Romæ Antiquæ Notitia:

OR, THE

ANTIQUITIES

OF

ROME.

In Two PARTS.

I. A ſhort Hiſtory of the *Riſe*, *Progreſs*, and *Decay* of the *Common-Wealth.*

II. A Deſcription of of the *City.* An Account of the *Religion*, *Civil Government*, and *Art of War*; with the *Remarkable Cuſtoms* and *Ceremonies*, *Publick* and *Private.*

With *Copper Cuts* of the *Principal Buildings*, &c.

To which are prefix'd Two ESSAYS: concerning the *Roman* Learning, and the *Roman* Education.

By *BASIL KENNETT* of C. C. Col. *Oxon.*

Dedicated to His Highneſs the Duke of *GLOCESTER.*

——*Nec deſinat unquam*
Tecum Græia loqui, tecum Romana vetuſtas. Claudian.

The Second Edition with Large Additions.

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MVSEVM
BRITAN
NICVM

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TO
His HIGHNESS
THE
DUKE of *GLOCESTER.*

SIR,

AMong all the Noble Preſages of Wit, and Honour, there is not one by which YOUR HIGHNESS hath given greater Encouragement to the Hopes of theſe Kingdoms, than by a ſurprizing Curioſity, and an impatient Deſire of Knowledge. For the ſatisfying of ſo Generous Inclinations, YOUR HIGHNESS cannot but

ſeek an early Acquaintance with the *Roman* State. It muſt needs pleaſe YOU, SIR, to underſtand the Conſtitution of that People, before YOU appear the Rival of their Glory: And the firſt Steps to both theſe Attainments will be alike uneaſie. Many Fatigues are to be undergone ere YOU ſurpaſs them in Action and Conduct: And in the ſame Manner, before YOU are introduc'd into the more delightful Scenes of their Policy and Government, YOUR HIGHNESS ſhould be *firſt* preſented with the rougher Proſpect of their Cuſtoms and Ceremonies.

For Your Direction in ſo Noble (tho' Intricate) a Path of Ancient Story, YOUR HIGHNESS is deſir'd to accept this ſmall Endeavour; no otherwiſe than YOU would a few Shadows or a little Model, to give YOU, SIR, the firſt Notion of ſome admir'd Picture, or ſome magnifient Building.

There

There is one Cuſtom which I am apt to fanſie YOUR HIGHNESS will read with particular Pleaſure; I mean, SIR, the *TROJAN GAME*, a Martial Exerciſe, perform'd by the Youth of the firſt Quality in *Rome*, under ſuch a Captain as Your ſelf: And deriving its Original from young *Aſcanius*, whom I need not fear to mention as your Precedent, ſince YOU have already honour'd Him with your Imitation.

It may be expected perhaps that out of the many Illuſtrious *Romans*, I ſhould here propoſe to YOUR HIGHNESS ſome of the moſt Celebrated Examples of *Virtue* and great *Atchievements*. But this would prove a needleſs Piece of Service; ſince YOU cannot miſs Your Way in the purſuit of the *Firſt*, while YOUR HIGHNESS go's on like the *Trojan* Prince,

Matre Dea monſtrante viam.

And

And to the *Other*, the ſhort Advice which that Hero gave his Son, will engage YOU as the Higheſt Motive:

——*Te animo repetentem exempla tuorum*
Et Pater Æneas *& Avunculus excitet* Hector.

I am,

SIR,

YOUR HIGHNESS's

Moſt Humble, and

moſt Obedient Servant,

Baſil Kennett.

PREFACE.

THE *Uſefulneſs of this Deſign not being like to be call'd in queſtion, I am oblig'd no farther than to give a ſhort Hiſtory of what attempts have hitherto been made of the ſame Nature, with ſome account of the preſent Undertaking.*

Not to make a Catalogue of the many Tracts on particular Subjects of Roman *Antiquities, the Two Authors moſt in requeſt for this Piece of Knowledge, are* Roſinus *and* Godwin; *the firſt as a full Syſtem, the other as an Abridgment or Compendium. We have nothing more compleat than* Roſinus *taken altogether: But he will appear very deficient in many Points, if compar'd with other Learned Men who have labour'd in the adorning ſome one Part of his General Subject. Thus, I believe, his Book of War has Scarce been look'd into ſince the Publiſhing of* Lipſius *his admirable Comment on* Polybius. *His Accounts of the Habits, Senate, Laws and Funerals, will never be ſet in Competition with the more accurate Pieces of* Ferrarius *and* Rubenius, *of* Paulus Manutius *and* Kirchman. *Not to urge that the* Names, *the* Money, *the* Private Games, *with ſeveral leſſer Topicks are entirely omitted; and many more ſubſtantial Cuſtoms but lightly touch'd. The* Paralipomena *of* Dempſter, *which are added in the beſt Editions, under the Name of Notes on this Author, ſeem for the moſt part purely a Tranſcript of Common Places, gather'd from the Claſſicks and other Writers, with little connexion. And therefore tho they ſerve now and then for a Supplement to* Roſinus, *yet 'tis impoſſible they ſhould be very inſtructive.*

Godwin's Anthilogia *(which we uſually meet with in our Schools) beſides that it wants all the Advantages which we have receiv'd from the Learned within theſe Threeſcore Years, is ſo ſhort and unſatisfactory in Subjects of the greateſt Conſequence; ſo lin'd with Phraſes, which are to be found in all our Dictionaries; ſo ſtuff'd with long Paſſages of* Latin, *untranſlated; has ſo little Method, and runs ſo dry and heavy in the reading, that I fancy 'tis a general Wiſh it were exchang'd for ſomething elſe in the Same Kind, of greater uſe, and more agreeable Entertainment.*

For

PREFACE.

For Cantelius de Romanâ Republicâ, *To me the* Jeſuit *ſeems very unhappy, that by ſpending half his Book in giving us a long Relation of the* Roman *Wars, Battels, Deaths, &c. which moſt Perſons would rather learn from the Original Hiſtorians; he has ſo ſtrain'd himſelf in the remaining Part, as to paſs for no extraordinary Epitomizer. Beſides that he can't ſpare Room to ſet down one Word of Authority for what he ſays.*

As for theſe Papers: The Two Eſſays of the Roman *Learning and Education, are, I think, what has not been before attempted in any Language; and on that Account will be the more eaſily Pardon'd, if not the better Accepted in the World. The Compendious Hiſtory of the Riſe, Progreſs, and Decay of the State, has this to ſay for it ſelf, That it carries its own Credentials along with it in conſtant References to the Ancient Writers. I will not here compoſe a Table of Contents for the* Second Part, *which has run out into ſuch length as to make the Body of the Work; only I may hint in a Word or Two, that the many Omiſſions of* Roſinus *and* Godwin *are largely ſupplied, and ſcarce any thing material (that I know of) paſs'd by. That the City with the Famous Structures of all Sorts are deſcrib'd from the Relations of Eye-Witneſſes and Authors of Credit. That the Laws which occur in the beſt Claſſicks, and often prove a great Hindrance to the Reader, are diſpos'd of under proper Heads in a very convenient Manner; and the trueſt Accounts of their Import, and the Time when they were made, collected from the moſt approv'd Commentators, and from the admir'd Treatiſe of* Manutius. *That in ſome Subjects it was thought proper to follow (for the moſt Part) one particular Author, who had manag'd his Province with univerſal Approbation: As* Sigonius, Comitia, *and the* Judgments: Lipſius *in the* Art of War, *in the* Gladiators, *and in the* Names. Kirchman *in the* Funerals, *and* Brerewood *in the* Account of the Money. *That the curious Remarques of* Scaliger, Caſaubon, Grævius, *Monſieur and Madam* Dacier *are inſerted on many Occaſions. In ſhort, that no Pains of Charges have been ſpar'd, which might render the Attempt truly ſerviceable, to the good End, for which 'twas deſign'd, the Pleaſure and Benefit of the Reader.*

As to this New Edition, Care hath been us'd to correct the Miſtakes of the former, and to give ſuch a ſupply to the defects as was abſolutely needful. It is, with all Gratitude Acknowledg'd, that the beſt part of this aſſiſtance hath been afforded by the late Noble Collections of the Excellent Grævius: *The Compiler wiſhes it may be imputed, not to Idleneſs, but to Deſign, that he hath borrowed only a* Mite *from that* Treaſury. *For intending an* Abridgement, *not a full* Body, *he thought it alike unreaſonable, either to ſwell the Bulk above the Name and Uſe, or to forbear ſuch Improvements, as could ſcarce in honeſty be denied; either to* burthen the Reader *for the* Bookſeller's Advantage, *or, under a pretence of eaſing the former, to injure both.*

ESSAY

ESSAY I.

Of the Roman *Learning.*

WHoever conſiders the ſtrange Beginning of the *Roman* State, the Frame and Conſtitution on which it was Firſt ſettled, together with the Quality of the Original Members, will think it no wonder that the People in that early Age ſhou'd have a kind of Fierceneſs, or rather Wildneſs in their Temper, utterly averſe to every thing that was Polite and Agreeable. This ſavage Diſpoſition by degrees turn'd into a rigid ſeverity, which encourag'd them to relie ſolely on the Force of their Native Virtue and Honour, without being beholden to the Advantages of Art for the improvement of their Reaſon, or for the aſſiſtance of their Courage. Hence a groſſneſs of Invention paſs'd currant with them for Wit, and Study was look'd on as an unmanly Labour: eſpecially while they found that their exact Diſcipline and unconquer'd Reſolution, render'd them Maſters of Nations much more Knowing than themſelves. All this is frankly acknowledg'd by their own Authors: *Literæ in homine Romano* goes for a Wonder with *Tully* (*a*). And *Virgil* in a Reign when all the Civility and Learning of the World were tranſplanted to *Rome*, chuſeth to make the Arts of Government and War the diſtinguiſhing Excellencies of his Country-Men.

Excudent alii ſpirantia mollius æra,
Credo equidem: Vivos ducent de marmore vultus;
Orabunt cauſas melius; cœliq; meatus
Deſcribent radio, & ſurgentia ſydera dicent:
Tu regere imperio populos Romane memento:
Hæ tibi erunt artes. Paciq; imponere morem:
Parcere ſubjectis, & debellare ſuperbos (*b*).

(*a*) De Nat. Deor. lib. 1. De Senectute. (*b*) *Æn.* 6.

Others ſhall beſt inſpire the Mimick Braſs,
Or out of Marble carve a living Face:
Plead with more force, and trace the Heavenly Roads,
Deſcribing the wide Empire of the Gods:
The wandring Stars to ſteady Rules Confine,
And teach expecting Mortals when they'll ſhine.
Thee Heaven, brave *Roman*, form'd for high Command,
Be theſe thy Arts, from thy victorious Hand
To make glad Nations own their Peace beſtow'd,
To ſpare the Suppliant and pull down the Proud.

The Reaſon which *Horace* gives for the ſlow advances of Poeſy, will hold in every other Part of Polite Learning:

Serus enim Græcis admovit acumina chartis (*c*).

Their little Acquaintance with the fine Wits of *Greece*, who had ſettled the Staple of Arts and Learning in thar Country, depriv'd them of an Opportunity to cultivate and beautifie their Genius, which was form'd by Nature, capable of the Higheſt Attainments. Some kind of Poetry indeed they had in their Ruſtick Times; but then the Verſes were ſuch rude doggrel Stuff, as old *Ennius* deſcribes.

——— *Quales Fauni vateſq; canebant,*
Quem neque Muſarum ſcopulos quiſquam ſuperârat,
Nec dicti ſtudioſus erat.

Cicero is inclin'd to think, that the old *Romans* might probably have gain'd ſome little Knowledge in Philoſophy from the Inſtruction of *Pythagoras*, the famous Author of the *Italick* Sect, who flouriſh'd in *Italy* about the ſame time as the *Tarquins* were expell'd the City. But the ancient Cuſtom of ſinging to the Flute the Praiſes of Famous Men at great Entertainments, is the only Relique he can find of this Doctrine, which was deliver'd in Poetical Numbers (*d*).

Their Intercourſe with *Greece* begun upon their undertaking the Defence of thoſe Parts, againſt *Philip* of *Macedon*, who had a deſign on its Liberty, about the Year of *Rome* 555, when, ac-

(*c*) Lib. 2. Epiſt. 1. (*d*) *Cicero Tuſc.* Quæſt. lib. 4.

cord-

cording to their uſual Practice, under the Name of Deliverers, they made themſelves rather the Maſters of that People. And then,

Græcia capta ferum victorem cepit, & artes
Intulit agreſti Latio (e).

The greateſt Number of eminent Poets, eſpecially Dramatic Writers, flouriſh'd between the end of the Firſt and the Third *Punic* Wars; or from the Year of the City 512 to 607. The moſt conſiderable were *Livius Andronicus*, *Nævius*, *Ennius*, *Pacuvius*, *Accius*, *Cæcilius*, *Plautus*, *Afrancus*, *Terence* and *Lucilius*. And therefore *Horace* means only the Firſt *Punic* War, when he ſays,

Et poſt Punica Bella quietus quærere cœpit
Quid Sophocles, & Theſpis & Æſchylus utile ferrent :
Tentavit quoque rem ſi dignè vertere poſſet (f).

The Studies of Philoſophy and Rhetorick never had any tolerable Progreſs before the Arrival of the *Achaians*, who in the Year of *Rome* 586 or 587, to the Number of a Thouſand, and more were ſent for out of their own Country, where they had ſhown themſelves diſaffected to the *Romans*, and were diſpers'd in ſeveral Parts of *Italy*. Among theſe was the Famous *Polybius* the *Megalopolitan*, whoſe great Parts and Learning not only gain'd him the entire Friendſhip of *Scipio Æmylianus* and *Lælius*, two of the greateſt *Romans* in that Age, but procur'd too the Releaſe of all his Country-Men, that remain'd after ſome Years Exile.

Moſt of that Company, tho' not equal to *Polybius*; yet being the Principal Members of the Chief Cities in *Greece*, brought away a great Share of the Politeneſs and refin'd Arts of that Country: And being now reduc'd to a State of Life, which took from them all Thoughts of Publick Action, they applyed themſelves wholly to the Purſuit of Letters, as well to divert the ſad Reflections on their Baniſhment, as to improve and cultivate their Mind (g).

In a few Years their Example and Inſtructions had wrought ſuch a ſtrange Converſion in the *Roman* Youth, that the Senate fearing leaſt the Ancient Diſcipline ſhou'd by this means be corrupted, and the Minds of the People ſoftn'd and enervated by Study, conſulted how to put a Stop to this Vein of Politeneſs, ſo contrary to the Rough and Warlike Diſpoſition of their An-

(e) Lib. 2. Epiſt. 1. (f) Ibid. (g) Vid. *Caſaubon.* Chronol. ad *Polyb.* & Comment. ad *Sueton.* de Grammat.

ceſtors. To this Purpoſe we meet with a Decree bearing Date in the Conſulſhip of *C. Fannius Strabo* and *M. Valerius Meſſala*, *A. U. C.* 592; *by which it appears, that whereas* Marcus Pomponius *the* Prætor *had made a Report to the Senate about the Philoſophers and Rhetoricians, the Fathers did hereby order the aforeſaid* Prætor *to take Cogniſance of the Buſineſs, and to ſuffer no ſuch Men in* Rome (*h*).

The eager Paſſion for Learning which this Prohibition had in ſome meaſure allay'd, broke out with greater Heat and Force about Sixteen Years after, upon this Famous occaſion, as the Story may be made up out of ſeveral Authors (*i*).

The *Athenians* having plunder'd *Oropus* a City of *Bœotia*, the Inhabitants made their Complaint to *Rome*; the *Romans* referring the Caſe to the Judgment of the *Scycionians*, a Mulct of 500 Talents was impos'd on the *Athenian* State. Upon this Account it was reſolv'd, that Commiſſioners ſhould be ſent to the *Roman* Senate, to procure a Mitigation of the Fine. The Perſons pitch'd on for this Service were *Carneades* the *Academick*, *Diogenes* the *Stoick* and *Critolaus* the *Peripatetick*. About the time of their coming, Authors are very little agreed; but *Petavius* and *Caſaubon*, fix it in the Six Hundred and Third Year after the building of *Rome*. Moſt of the Studious Youths immediately waited on the old Gentlemen at their Arrival, and heard them diſcourſe frequently, with Admiration. It happen'd too, that they had each of them a different way in their Harangues; for the Eloquence of *Carneades* was Violent and Rapid, *Critolaus*'s Neat and Smooth, that of *Diogenes* Modeſt and Sober. *Carneades* one Day held a full and accurate Diſpute concerning Juſtice; the next Day he refuted all that he had ſaid before, by a Train of contrary Arguments, and quite took away the Virtue that he had ſo much commended. This he did to ſhew his Faculty of confuting all manner of Poſitive Aſſertions: for he was the Founder of the *Second Academy*, a Sect that denied any thing to be perceiv'd or underſtood in the World, and ſo introduced an univerſal Suſpenſion of aſſent. It ſoon flew about the City that a certain *Græcian* (by whom they meant *Carneades*) carrying all before him, had impreſs'd ſo ſtrange a Love upon the young Men, that quitting all their Pleaſures and Paſtimes, they run mad, as it were, after Philoſophy. This to the generality of People, was a very pleaſant Sight, and they Reioyce extream-

(*h*) *Secon.* de Clar. Grammat. cap. 1. *A. Gell.* lib. 15. cap. 11. (*i*) *Plutarch* in *Cat. Major*. *A. Gell.* lib. 7. cap. 14. *Macrob.* Sat. 1. c. 15.

by

ly to find their Sons wellcome the *Græcian* Literature in ſo hearty a manner. But old *Cato* the *Cenſor*, took it in great Dudgeon, fearing leaſt the Youth being diverted by ſuch Entertainments, ſhou'd prefer the Glory of ſpeaking, to that of acting. So that, the Fame of the Philoſophers increaſing every Day, he reſolv'd to ſend them packing as ſoon as poſſible. With this Deſign coming into the Senate, he accuſed the Magiſtrates for not giving the Ambaſſadors a ſpeedier Diſpatch; they being Perſons who cou'd eaſily perſwade the People, to what ever they pleas'd: He adviſ'd therefore that in all haſt ſomething ſhou'd be concluded on, that being ſent home to their own Schools, they might Declaim to the *Græcian* Children; and the *Roman* Youth might be obedient to their own Laws and Governours as formerly.

The ſame grave Diſciplinarian, to fright his Son from any thing of the *Græcians*, us'd to pronounce like the Voice of an Oracle, in a harſher and louder Tone than ordinary, *That the* Romans *wou'd certainly be deſtroy'd, when they began once to be infected with Greek.* But 'tis very likely that he afterwards alter'd his mind, ſince his learning *Greek* in his old Age is a known Story, and depends on good Authority (*k*). The Lord *Bacon* ſays *'Twas a Judgment on him, for his Former Blaſphemy* (*l*).

The Ambaſſadors upon the Motion of *Cato*, had a quick Diſmiſſion, but left ſo happy an Inclination in the young Gentlemen to Philoſophy and good Letters, that they grew every Day more enamour'd of Study; and ſhow'd as much Diligence in their Purſuits of Knowledge, as they had ever done in their applications to War.

In the Year of the City 608 or 609, *Greece*, which had hitherto retain'd ſome Shadow of Liberty, tho' it had been a long while at the *Roman* Command, was upon ſome ſlight Occaſion entered with an Army under *L. Mummius*, and reduced to the common State of the other conquer'd Nations. This Exploit happening in the very ſame Year that *Carthage* was deſtroy'd by *P. Scipio Æmylianus*, it will be very pleaſant to obſerve the different *Genius* of the Two Commanders, who had the Honour of theſe Atchievements; and to ſee how Politeneſs and the ancient Simplicity were now in a Strife at *Rome*. *Mummius* was ſo far unskill'd in the curious Inventions of Art, that after the taking of *Corinth*, when a great Number of admirable Pictures and Statues, by the beſt Maſters, came into his Hands, he told

(*k*) *Cicero* Academ. 1. De Senect. *Quinctilian* Inſt. lib. 12 cap. 11.
(*l*) Advancement of Learning, Book 1.

the Servants that were to carry them into *Italy*, *If they loſt any by the Way, they ſhou'd certainly find him new ones in their room* (*m*).

Scipio on the other Hand to the Courage and Virtue of ancient Heroes, had join'd a profound Knowledge of the Sciences, with all the Graces and Ornaments of Wit. His Patronage was courted by every one that made any Figure in Learning. *Panætius*, whom *Tully* calls the Prince of the Stoicks, and the incomparable Hiſtorian *Polybius*, were his Boſom-Friends, the aſſiſters of his Studies at home, and the conſtant Companions of his Expeditions (*n*). To which may be added the Remark of a very great Man, *that he paſs'd the ſoft Hours of his Life, in the Converſation of* Terence, *and was thought to have a Part in the Compoſition of his Comedies* (*o*).

The higheſt pitch of the *Roman* Grandeur, in the Time of the Common-Wealth, is thought to have been concluded before the final Reduction of *Carthage*, and of *Greece* (*p*); and the common Reaſon aſſign'd for its decay, is, that *Athens* being now become the Mart of the World, for Wit and Breeding, imported the Arts of Debauchery among her more Noble productions to *Rome*; and maintain'd their Luxury as well as their Studies and Converſation at her Charge. But however their ancient Proweſs might decline, it's certain the Conqueſt of the great Empire of *Science*, was now carried on more vigorouſly than ever. The Tide of Learning and Humanity run every day with greater Force, and after the Famous *Cato* ſcarce met with any to oppoſe it. Between this Period, and the Death of *Sylla* (ſcarce Seventy Years) the Moſt Renowned Orators *Craſſus* and *Antony*, rul'd the *Forum*, who were Succeeded by *Sulpicius*, *Cotta*, *Hortenſius*, and other great Names recorded by *Tully* in his *Brutus*. At the ſame time, the Two *Scævola's*, the *Augur* and the *Pontiff*, advanc'd Civil-Law to its full Perfection. And *Lucretius* (who wrote about the Time of the *Jugurthine* War) as he excell'd even the *Græcian* Diſciples of *Epicurus*, in explaining and defending his Doctrine, ſo he directs us where to begin, in fixing the Height and Purity of the *Roman* Poeſy and Style (*q*). Philoſophers were now in univerſal Honour and Requeſt, being invited from all Parts for the Education and Inſtruction of young Noblemen, and for Advice and Aſſiſtance of the greateſt Mi-

(*m*) *Vell. Paterc.* Lib. 1. cap. 13. (*n*) Ibid. (*o*) Sir *Will. Temple's* Miſcell. P. 2. Eſſay 4. (*p*) Vid *Caſaubon* Chronolog. ad *Polyb.* (*q*) Sir *Will. Temple.* Miſcell. P. 2. Eſſay 1.

niſters

niſters of State. And what is moſt ſurprizing, Arts and Civility were rather encourag'd than frighted away by the Wars, and the Muſes, like their Patroneſs *Minerva*, had very often their reſidence in the Camp. *Sylla* himſelf wrote Two and Twenty Books of Memoirs (*r*), and contributed in an extraordinary Manner, to the Advancement of Knowledge, by tranſporting to *Rome* the Famous Library of *Apellicon*, the *Peripatetick*, in which were moſt of *Ariſtotle* and *Theophraſtus* his Works, which had been long unknown to the greateſt part of their Followers (*s*).

Sylla's Rival *Marius* was the only Man of Note, in that Age, who retain'd the old Sowreneſs and unpoliſh'd Manner of the firſt *Romans*. He indeed wou'd never ſtudy *Greek*, nor ſuffer that Language to be us'd in any Matters of Conſequence; as thinking it Ridiculous to beſtow Time in that Learning, the Teachers whereof were little better than Slaves (*t*).

But then *Lucullus* who ſucceeded *Sylla* in the Military Glory, as to matters of Learning was much his Superiour. In his Youth he had ſo abſolute a Command of the Two only Tongues then in Requeſt, that upon a Project of compiling an Hiſtory, he fairly took his Chance, whether he ſhou'd write in *Greek* or *Latin*, in Proſe or Verſe. And after all his Feats of Arms in the *Mithridatick* War, when he was depriv'd of his Command by the prevailing Faction of *Pompey*, the great Employment of his Privacy and Retreat, was the promoting of Knowledge. With this Deſign he built a Library, furniſh'd it with a vaſt Number of Books, fairly tranſcrib'd, and made it free to all Comers. The Walks and Schools, which he rais'd near the Library, were always full of *Græcians*, who retiring hither from Buſineſs, diverted one another with Conferences and Debates, in the ſame Manner as was us'd in their own Country; making Advantage of Friendly Converſation toward the improvement of their Underſtandings. *Lucullus* himſelf often ſtudied there, ſometimes diſpuring with the Learned Men, and ſometimes giving his Advce in Matters of State, to thoſe that deſired it; tho' he meddled with no Publick Buſineſs in Perſon. He was very well vers'd in all the Sects of Philoſophy, but adher'd cloſely to the old Academy, whereas his Friend *Cicero*, was a great Stickler for the New. Hence it is that we find the latter Book of the *Academic Queſtions* inſcrib'd *Lucullus*, where that great Man is brought in defending the Opinions of his Sect (*u*).

(*r*) *Plutarch* in *Sylla*. (*s*) Ibid. & *Strabo* lib. 13. (*t*) *Plutarch* in *Marius*. (*u*) *Plutarch* in *Lucull.*

The whole Majeſty of Language, and Height of Elocquence ſhown out, as it were, all at once in *Tully*; ſo that *Paterculus* has well obſerv'd, *delectari ante enim pauciſſimis, mirati verò neminem poſſis, niſi aut ab illo viſum, aut qui illum viderit* (w).

Perhaps the ſame Remark will hold good in his Philoſophy: Or at leaſt with Reſpect to his Predeceſſors, the latter Study will yield him an equal Praiſe with the former. For to handle the Subject of Naturals and Morals in the *Latine* Tongue, was purely a new Province reſerv'd for his management, and left untouch'd 'till that Time by the Learned. This he lets us know in ſeveral Parts of his Works, particularly in this Proem to the *Tuſculan* Queſtions; where at the ſame time he gives us a ſhort Account of the Progreſs and Advances of Arts among the *Romans*, infinitely worth the tranſcribing. *Meum ſemper judicium fuit*, &c. *It was always my Opinion* (ſays he) *that either our Countrey-Men have been more happy in their Inventions of every Kind than the* Greeks, *or that they have made a vaſt Improvement in whatever they borrow'd from that Nation; and thought worth their while to poliſh and refine. For as to the Conduct of Life, and the Rules of Breeding and Behaviour, together with the management of Family Concerns, we are Maſters of more exactneſs, and have a much gentiler Air. If we aſcend to the governing and regulating of Publick States, our Anceſtors may juſtly claim the Preference in this part of Wiſdom, on account of their admirable Laws and Inſtitutions. In Military Affairs we have made a more conſiderable Advance than any before us; which is owing no leſs to our Diſcipline than to our Native Bravery.* . . . .

'Tis true Greece *has always had the Renown beyond us, for their attainment in every Part of Learning; and it was an eaſie matter to Conquer, when they met with no Oppoſition. Poetry (the moſt ancient ſort of Writing) had but a late reception among us: For* Livius Andronicus *preſented his firſt Dramatick Piece* 510 (it ſhou'd be 514 years *after the Building of* Rome, in the Conſulſhip of *C. Claudius, Son to* Appius Cæcus) M. Tuditanus, *a Year before the Birth of* Ennius, *who is ſenior to* Plautus *and* Nævius.

As he goes on, he attributes the ſlow Progreſs of Poeſy, to the want of due Reward and Encouragement, and tells us that in a publick Oration of *Cato's*, it was Objected as a Reproach to *Marcus Nobilior*, that he had carried the Poet *Ennius* with him

(w) Hiſt. lib. 1. cap. 17.

into

into *Ætolia*, when he went to reſide there as Governour. That there was no Part of the Mathematicks (which the *Grecians* eſteem'd ſo honourable a Study) of uſe in *Rome*, but the bare Practice of meaſuring and caſting Accompt. For Oratory, he obſerves that the *Romans* embrac'd this very ſoon: but at firſt without the Advantages of a learned Inſtitution; which were afterwards added with ſo good Succeſs, as to ſet them on equal Terms, with the moſt Eloquent Maſters of *Greece*. But that Philoſophy had lain neglected 'till that time, and had met with no eminent Authour to adorn it in the *Latine* Tongue. This therefore he profeſſeth to undertake as his proper Office, and how happily he ſucceeded in the Attempt, his Works on that Subject will be a laſting Argument.

If we compare *Tully* with his Friend *Atticus*, we find them both together anſwering the Two excellent Ends of Philoſophy, the Service of the Publick, and the private Eaſe and Tranquility of an inoffenſive Life. The former directed all his Studies to Action, in the defence of the Common-Wealth, and the oppoſing all Deſigns on its Liberty. The latter by never entring the Scene of Buſineſs, made himſelf equally honour'd and courted by all Parties from *Sylla* to *Auguſtus Cæſar*. The one gain'd to himſelf more Glory, the other more hearty Love and Eſteem; and I believe moſt Perſons wou'd be inclin'd to follow *Atticus*, and to commend *Cicero*.

Craſſus, *Pompey*, *Antony*, *Cæſar*, *Cato* and *Brutus*, who made ſuch a Noiſe in the World almoſt all at the ſame time, were the moſt refin'd Scholars of their Age. The Three firſt indeed confin'd themſelves to the Practice of Eloquence, 'till they were wholly diverted by the Profeſſion of Arms. But the Three laſt, as they out-ſhone the former in Oratory, ſo they had made much greater Advances in the other Parts of Humane Learning. Poetry and Philoſophy were the diverſion of *Cæſar*'s leiſure Hours, and his Hiſtory will be the Model of good Language, as long as himſelf the Example of great Atchievements.

The Whole Conduct of *Cato*'s Life, ſhews him a greater *Stoick* than the moſt rigid Profeſſors of that Sect; or however they might equal him in Knowledge, 'tis certain he ſham'd them in Practice.

Brutus had been a Hearer of all the Sects of Philoſophers, and made ſome Proficiency in every one. When a Soldier under *Pompey*, in the Civil Wars, all the time that he was in the Camp, except what he ſpent in the General's Company, he Employ'd in reading and ſtudy. And the very day before the

the decisive Battle at *Pharsalia*, tho' it was then the middle of Summer, and the Camp under many inconveniences, and he himself extreamly harrass'd and out of Order; yet while others were either laid down to sleep, or taken up with Apprehensions about the issue of the Fight, he spent all his Time 'till the Evening, in writing an Epitome of *Polybius* (x).

It's universally known, that the *Roman* Literature as well as Empire, was in its highest Ascendant under *Augustus*. All the delicate Fruits Transplanted from *Greece*, were now in their Blossom, being cherish'd by the Calmness of the Season, and cultivated by the Hand of an Emperor.

I have often wonder'd that *Mæcenas* shou'd all along carry away the sole Honour of encouraging the Wit and Knowledge of this Reign; when it seems Probable that he acted only in imitation of his Master; as the Humours of Princes commonly determine the Inclinations of their Favourites. The quite contrary happen'd to the other great Minister *Agrippa*; the Glory of his Exploits was referr'd to the Emperour, while the Emperour's Bounty advanc'd *Mæcenas* his Esteem. And indeed the Celebration of *Augustus* his Triumphs, and the Panegyricks on his Piety, were sufficient to set him out in the most taking Colours: But had *Mæcenas* been denied the shining Character of a Patron, he might have roll'd on in Silence among *Epicurus* his Herd, and scarce have been ever drawn by the Poet's Hand, unless in the same Posture as *Silenus*.

Inflatum hesterno venas ut semper Iaccho:
Serta procul capiti tantum delapsa jacebant,
Et gravis attritâ pendebat cantharus ansâ (y).

But whoever of the Two was the Nobler Patron, *Augustus* must be acknowledg'd to have been the greater Scholar: And for proof we need go no farther than *Suetonius*, who has spent no less than Six Chapters on the Learning of this Emperour: His prodigious Industry in the Study of Eloquence, and Liberal Arts; his Labour in composing every thing that he spoke in Publick, tho' he had a very good Faculty at *extempore* Harangues; his polite and clean Style; his accurate Knowledge of the *Grecian* Literature, by the assistance of their best Masters of Rhetoric and Philosophy; the Thirteenth Book of the History of his

(x) *Plutarch* in *Brut.* (y) *Virgil* Eclog. 6.

own

own Life; his Exhortation to Philoſophy, with ſeveral other works in Proſe; his Book of Hexameters and another of Epigrams, all conſider'd together may equal him with the moſt Learned Princes in Story.

Being thus arriv'd at the Higheſt Point of the *Roman* Attainments, it cannot be unpleaſant to look about us, and to take a ſhort ſurvey of the Productions in every Kind. Eloquence indeed will appear at ſome Diſtance, rather in the *Auguſtan* Age, than in *Auguſtus* his Reign, ending in *Cicero*, at the Diſſolution of the Common-Wealth. Not that his Death was properly the Ruine of his Profeſſion; for the Philoſopher might have liv'd much longer, and yet the Orator have been gone; when once the ancient Liberty was taken away, which inſpir'd him with all his lofty Thoughts, and was the very Soul of his Harangues: But then the Bounds of Hiſtory and Poeſy, were fix'd under the Emperors Protection by *Livy*, *Virgil* and *Horace*. And if we deſire a view of Philoſophy, the two Poets will account for that as well as for their own Province.

I think none will deny *Horace* the Elogy given him by a celebrated Writer, *That he was the greateſt Maſter of Life, and of true Sence in the Conduct of it* (z). Eſpecially ſince the Author of that Judgment is one of thoſe whom (had he liv'd then) *Horace* himſelf wou'd have willingly choſe for his Judge, and inſerted in that ſhort Catalogue of Men of Wit and Honour, whom he deſir'd ſhou'd approve his Labours (a).

Whether or no the common Saying be True, that if all Arts and Sciences were loſt, they might be found in *Virgil*; it's plain he div'd very deep into the Myſteries of Natural Science, which he ſets forth in all its Ornaments, in ſeveral Parts of his Divine Work. And in that admirable Place of his Second *Georgic*, when he expreſſeth, in a ſort of Tranſport, his Inclinations to Poeſy, he ſeems to Direct its whole End towards the Speculations of the Philoſophers; and to make the Muſes Hand-Maids to Nature.

Me verò primùm dulces ante omnia Muſæ,
Quarum ſacra fero ingenti perculſus amore,
Accipiant, cœliq; vias & ſydera monſtrent,
Defectus ſolis varios, Luneq; Labores:

(z.) Sir *Will. Temple.* Miſcellan. P. 2. Eſſay 2. (a) Book 1. Sat. 10.

Unde

Unde termor terris ; quâ vi maria alta tumeſcant
Obicibus ruptis, rurſuſq ; in ſeipſa recidant :
Quid tantum Oceano properent ſe tingere ſoles
Hyberni : vel quæ tardis mora noctibus obſtet.

For me, the firſt deſire which does controul
All the inferior Wheels that move my Soul,
Is, that the Muſe me her High-Prieſt wou'd make ;
Into her holy Scenes of Myſtery take,
And open there to my Mind's purged Eye,
Thoſe Wonders which to Senſe the Gods deny ;
How in the Moon ſuch change of Shapes is found ;
The Moon, the changing World's etennal Bound.
What ſhakes the ſolid Earth, what ſtrong Diſeaſe
Dares trouble the fair Centre's ancient Eaſe?
What makes the Sea Retreat, and what Advance ?
Varieties too regular for Chance.
What drives the Chariot on of Winters's Light,
And ſtops the lazy Wagon of the Night ? [Mr. *Cowley.*

After *Auguſtus*, the *Roman* Muſes as well as the Eagles ſtoop'd from their former Height: and perhaps one of theſe Misfortunes might be a neceſſary Conſequence of the other. I am very ſorry when I find either of them attributed to the Change of Government, and the Settlement of the Monarchy. For had the Maxims and the Example of *Auguſtus* been purſu'd by his Succeſſors, the Empire in probability might have been much more Glorious than the Common Wealth. But while a new Scheme of Politicks was introduc'd by *Tiberius*, and the *Cæſars* began to Act what the *Tarquins* wou'd have been aſham'd of, the Learning might very well be corrupted, together with the Manners and the Diſcipline, and all beyond any Hopes of a Recovery.

It cannot be deny'd that ſome of the worſt Princes were the moſt paſſionate affecters of Learning, particularly *Tiberius*, *Claudius* and *Nero* : But this rather deterr'd other Men from ſuch Attempts, than encourag'd them in their Purſuits ; while an applauded Scholar was as much envied, as a fortunate Commander ; and a Rival in Wit, accounted as dangerous as a Contender for the Empire: The firſt being certainly the more hardy Fellow, who dar'd Challenge his Maſters at their own Weapons.

What-

Of the Roman *Learning.*

Whatever Eſſays were made to recover the languiſhing Arts under *Veſpaſian*, *Titus*, and *Domitian* (for this laſt too was an encourager of Poeſy, tho' he baniſh'd the Philoſophers) ſcarce ſerv'd to any better Purpoſe, than to demonſtrate the poor Succeſs of Study and Application, while the ancient Genius was wanting.

In the Six next Reigns, immediately following *Domitian*, Learning ſeems to have enjoy'd a ſort of lucid Interval, and the Baniſh'd Favourite was again admitted to Court, being highly countenanc'd and applauded by the beſt ſet of Princes *Rome* ever ſaw.

Not to enquire after the Productions of the other Reigns, the uſefull Labours of *Tacitus*, *Suetonius* and *Pliny Junior* will make the Government of *Trajan* more famous then all his Feats of Arms. If they are leſs happy in their Language than the Ancients, in other reſpects perhaps they have over-match'd them. The Hiſtorians in the delicacy of their Politicks, and the ſincere Truth of their Relations; and the Orator in his Wit and good Sence. If we add to theſe *Plutarch*, who wrote moſt of his Works in *Rome*, and was honour'd by *Trajan* with the Conſulſhip; and *Quinctilian* who flouriſh'd a very little Time before; they may paſs for the Twilight of Learning after the Sun-ſet of the *Auguſtan* Age; or rather be reſembled to a glimmering Taper which caſts a double Light when its juſt on the Point of Expiring.

'Tis an Obſervation of Sir *William Temple*, that all the *Latin* Books which we have till the End of *Trajan*, and all the *Greek* 'till the End of *Marcus Antoninus*, have a true and very eſteemable Value; but that all written ſince that time, owe their Price purely to our Curioſity, and not to their own Worth and Excellence.

But the purity of the Tongue was long before corrupted, and ended, in Sir *William Temple*'s Judgment, with *Velleius Paterculus* under *Tiberius*. The Reaſon he aſſigns for this Decay, is, the ſtrange reſort of the ruder Nations to *Rome*, after the Conqueſt of their own Country.

Thus the *Gauls* and *Germans* flock'd in Multitudes both to the Army and the City, after the reducing of thoſe Parts by *Julius Caſar*, *Auguſtus* and *Tiberius*; as many *Spaniards* and *Syrians* had done before on the like account. But the greateſt Confluence of Foreigners follow'd upon the Victories of *Trajan* in the *Eaſt*, and his Eſtabliſhment of the Three new Provinces, *Armenia*, *Aſſyria* and *Meſopotania*: And tho' *Adrian* voluntarily re-

linguiſh'd

linquiſh'd theſe new Acquiſitions, yet the prodigious Swarms of the Natives, who had waited on his Predeceſſor's Triumphs, were ſtill oblig'd to live in *Rome*, in the condition of Slaves.

The greateſt part of the ſucceeding Princes, who found it ſo hard an Enterprize to defend their own Territories, had little leiſure or concern to guard the Poſſeſſions of the Muſes. And therefore *Claudian* in thoſe Verſes of this Panegyric on *Stilico*,

Hinc priſcæ redeunt artes, feliicibus inde
Ingeniis aperitur iter, deſpectaq; Muſæ
Colla levant.

is guilty of a grand peice of Flattery, in making that Miniſter the Reſtorer of Polite Studies, when it is plain that in his time (under *Honorius*) were the laſt ſtrugglings of the *Roman* State.

The *Goths* and *Vandals*, who ſoon carried all before them, might eaſily fright Learning and Sciences off the Stage, ſince they were already ſo much out of Countenance, and thus render the Conquerors of the Univerſe as Rough and Illiterate as their firſt Progenitors.

In this manner the Inundations of the barbarous People, prov'd equally fatal to Arts and Empire; and *Rome* herſelf, when ſhe ceas'd to be the Miſtreſs of the World, in a little time quite forgot to ſpeak *Latin*.

ESSAY II.

Of the Roman *Education.*

'TIS an Obvious remark, that the ſtrongeſt Body owes its Vigour in a great meaſure to the very Milk it receiv'd in its Infancy, and to the firſt knitting of the Joints. That the moſt ſtately Trees, and the faireſt of Herbs and Flowers, are beholden for their Shade and Beauty to the Hand that firſt fixt them in an agreeable Soil: An advantage which if they happen to want, they ſeldom fail to degenerate into Wildneſs, and to aſſume a Nature quite different from their proper Species. Every own knows how to apply the ſame Obſervations to Morals, who has the Sence to diſcover it in Naturals. Hence the moſt renown'd People in Story, are thoſe whoſe Law-givers thought it their nobleſt and moſt important Work, to preſcribe Rules for the early Inſtitution of Youth. On this *Baſis Lycurgus* founded the glorious Diſcipline of the *Spartans*, which continued for Five Hundred Years, without any conſiderable Violation. *The* Indian Brachmans *had a Strain beyond all the Wit of* Greece, *beginning their Care of Mankind even before the Birth, and employing much thought and diligence about the Diet and Entertainment of their breeding Women; ſo far as to furniſh them with pleaſant Imaginations, to compoſe their Minds and their Sleep with the beſt Temper, during the time that they carried their Burthen* (*b*).

Plutarch ſeverely reprehends the Conduct of *Numa*, that in his ſettlement of the *Roman* State, he did not in the firſt place provide and conſtitute Rules for the Education of Children; and makes the Remiſſneſs in this early Diſcipline, the chief Cauſe of the ſeditious and turbulent temper of that People, and what

(*b*) Sir *Will. Temple's* Miſcell. P. 2. Eſſay 1.

con-

contributed highly to the Ruine of the Common Wealth (*c*). Thus much indeed ſeems agreed on by all the latter Hiſtorians, that in the looſer times of the Empire, the ſhameful Negligence of Parents and Inſtructors, with its neceſſary Conſequence, the Corruption and Decay of Morality and good Letters, ſtruck a very great blow towards the diſſolving of that glorious Fabrick. But in the riſing Ages of *Rome*, while their primitive Integrity and Virtue flouriſh'd with their Arms and Command, the training up of Youth was look'd on as a moſt Sacred Duty; and they thought themſelves in the higheſt Manner Oblig'd to leave fit Succeſſors to the Empire of the World. So that upon a ſhort Survey of their whole Method and Diſcipline from the Birth to the entrance on publick Buſineſs, they will appear ſo far to have exceeded the Wiſdom and Care of other Nations, as to contend for this Glory, even with the ancient *Spartans*, whom *Plutarch* has magnified ſo much beyond them: eſpecially, if we agree with a very great Judge, that the taking no Care about the Learning, but only about the Lives and Manners of Children, may be juſtly thought a defect in *Lycurgus* his Inſtitution (*d*).

Quinctilian (or *Tacitus*) in the Dialogue *de Oratoribus*, gives an excellent Account of the old way of breeding Children, and ſets it off with great Advantage, by comparing it with the Modern.

'As ſoon as the Child was born, he was not given in charge 'to an hir'd Nurſe, to live with her in ſome pityful Hole that 'ſerv'd for her Lodgings; but was brought up in the Lap and 'Boſom of the Mother, who reckon'd it among her chief Com-'mendations to keep the Houſe, and to wait on the Children. 'Some ancient Matron was pitch'd on out of the Neighbours, 'whoſe Life and Manners rendred her worthy of that office, 'to whoſe Care the Children of every Family were commit-'ted: Before whom 'twas reckon'd the moſt hainous thing in the 'World to ſpeak an ill Word, or to do an ill Action. Nor had 'ſhe an Eye only on their Inſtruction, and the Buſineſs that 'they were to follow, but with an equal Modeſty and Gravity 'ſhe regulated their very Divertiſements and Recreations. Thus '*Cornelia*, *Aurelia* and *Attia*, Mothers to the *Grachi*, *Julius* '*Cæſar* and *Auguſtus* are reported to have undertaken the Office

(*c*) *Plutarch.* Compar. of *Numa* and *Lycurg.* (*d*) Arch-Biſhop *Tillotſon's* Sermon of Education.

'of

'of Governeſſes, and to have imploy'd themſelves in the Edu-
'cation of Noblemens Children. The ſtrictneſs and ſeverity
'of ſuch an Inſtitution had this very good Deſign, that the
'Mind being thus perſerv'd in its primitive Innocence and Inte-
'grity, and not debauch'd by ill Cuſtom or ill Example, might
'apply its ſelf with the greateſt willingneſs to the Liberal Arts,
'and embrace them with all its Powers and Faculties. That
'whether it was particularly inclin'd either to the Profeſſion of
'Arms, or to the underſtanding of the Law, or to the practice
'of Eloquence; might make that its only Buſineſs, and greedi-
'ly drink in the whole Knowledge of the belov'd Study.

'But now the young Infant is given in charge to ſome poor
'*Gratian* Wench, and one or two of the Serving-Men perhaps
'are join'd in the Commiſſion; generally the meaneſt and moſt
'ill-bred of the whole Pack, and ſuch as are unfit for any ſeri-
'ous Buſineſs. From the Stories and Tattle of ſuch fine Compa-
'nions, the ſoft and flexible Nature muſt take its firſt Impreſ-
'ſion and bent. Over the whole Family there is not the leaſt
'Care taken of what is ſaid or done before the Child: while
'the very Parents inſtead of inuring their dear little Ones to
'Vertue and Modeſty, accuſtom them, on the quite contrary,
'to Licentiouſneſs and wantoneſs, the natural reſult of which is
'a ſettled Impudence, and a contempt of thoſe very Parents,
'and every Body elſe.

Thus altho' the Care and Inſtruction of Youth, among the old *Romans*, had been provided for by the publick Laws, as in the *Spartan* State, yet the voluntary Diligence of Parents would have made all ſuch Regulations uſeleſs.

Among the domeſtick Cares, it will not be from the Purpoſe to take particular Notice of one, which requir'd little Trouble or Difficulty, and yet prov'd as Beneficial and Serviceable as any other Inſtitution. I mean the uſing Children to ſpeak the Language purely at firſt; by letting them hear nothing but the trueſt and moſt proper Phraſe. By this only Advantage ſeveral Perſons arriv'd at no ordinary Repute in the *Forum*, who were ſo unhappy to want many other Qualifications.

Tully Says that the *Gracchi* were educated, *non tam in gremio, quàm in ſermone matris*: And he reports of *C. Curio*, who was reckon'd the third Orator of his time, that he underſtood no Poet, had read no Books of Eloquence; had made no Hiſtorical Collection; and had no Knowledge of the publick or private Part of the Law. The only thing which gain'd him his Applauſe was

a clean ſhining Phraſe, and a ſudden quickneſs and Fluency of Expreſſion. This he got purely by the Benefit of his private Education; being us'd to ſuch a correct and poliſh'd way of ſpeaking in the Houſe were he was brought up (e).

For Maſters, in the firſt Place they had the *Literatores* or Γραμματισὰς, who taught the Children to write and read: To theſe they were committed about the Age of Six or Seven Years (f). Being come from under their Care they were ſent to the *Grammar-Schools*, to learn the Art of ſpeaking well, and the underſtanding of Authors: Or more frequently in the Houſe of great Men, ſome eminent Grammarian was entertain'd for that Employment.

It is pleaſant to conſider what Prudence was us'd in theſe early Years, to inſtil into the Children's Minds a Love and Inclination to the *Forum*, whence they were to expect the greateſt Share of their Honours and Preferments. For *Cicero* tells *Atticus* in his Second Book *de Legibus*, that when they were Boys they us'd to learn the famous Laws of the Twelve Tables by Heart, in the ſame Manner as they did an excellent Poem. And *Plutarch* relates in his Life of the Younger *Cato*, that the very Children had a Play in which they acted Pleadings of Cauſes before the Judges; accuſing one another and carrying the condemn'd Party to Priſon.

The Maſters already mention'd, together with the Inſtructors in the ſeveral ſorts of Manly Exerciſes, for the improving of their natural Strength and Force, do not properly deſerve that Name, if ſet in view with the Rhetoricians and Philoſophers; who after that Reaſon had diſplay'd her Faculties, and eſtabliſh'd her command, were employ'd to cultivate and adorn the Advantages of Nature, and to give the laſt hand toward the forming of a *Roman* Citizen. Few Perſons made any great Figure on the Scene of Action in their own time, or in Hiſtory afterwards, who beſides the conſtant frequenting of Publick Lectures, did not keep with them in the Houſe ſome eminent Profeſſor of Oratory or Wiſdom.

I have often thought that one main Reaſon of the prodigious Progreſs made by young Gentlemen, under theſe private Tutors, was the perfect Love and Endearment which we find to have been between Maſter and Sholar, by which means

(e) *Cic.* in *Brut.* (f) Vid. *Dacier* ad *Horat.* Sat. 1. Lib. 1.

G

Government and Inſtruction proceeded in the ſweeteſt and eaſieſt way. All Perſons in the happy Ages of *Rome*, had the ſame Honour and Reſpect for their Teachers, as *Perſius* had for his Maſter, *Cornutus* the *Stoick*, to whom addreſſing himſelf in his fifth Satyre, he thus admirably deſcribes his own Love and Piety to his Governour, and the ſtrict Friendſhip that was between them,

Cumq; iter ambiguum eſt, & vitæ neſcius error
Diducit trepidas ramoſa in compita mentes,
Me tibi ſuppoſui: Teneros tu ſuſcipis annos
Socratico Cornute *ſinu; tunc fallere ſolers*
Appoſita intortos extendit regula mores;
Et premitur ratione animus vinciq; laborat,
Artificemq; tuo ducit ſub pollice vultum.
Tecum etenim longos memini conſumere ſoles;
Et tecum primas epulis decerpere noctes.
Unum opus, & requiem pariter diſponimus ambo,
Atque verecundâ laxamus ſeria menſa.
Non equidem hoc dubites amborum fœdere certo
Conſentire dies, & ab uno ſidere duci.
Noſtra vel æquali ſuſpendit tempora librâ
Parca tenax veri, ſeu nata fidelibus horâ
Dividit in Geminos *concordia fata duorum;*
Saturnumq; *gravem noſtro* Jove *frægimus unâ.*
Neſcio quod certè eſt quod me tibi temperat aſtrum:

Juſt at the Age when Manhood ſets me free,
I then depos'd my ſelf, and left the Reins to thee:
On thy wiſe Boſom I repos'd my Head,
And by my better *Socrates* was bred.
Then thy ſtraight Rule ſet Virtue in my ſight,
The crooked Line reforming by the right,
My Reaſon took the Bent of thy Command;
Was form'd and poliſh'd by thy skilful Hand.
Long Summer-days thy Precepts I rehearſe,
And Winter-nights were ſhort in our Converſe.
One was our Labour, one was our Repoſe;
One frugal Supper did our Studies cloſe.
Sure on our Birth ſome friendly Planet ſhone,
And as our Souls, our Horoſcope was one.
Whether the mounting Twins did Heaven adorn,
Or with the riſing Balance we were born.

Both have the ſame Impreſſion from above,
And both have *Satan*'s Rage repel'd by *Jove*.
What Star I know not, but ſome Star I find,
Has giv'n thee an Aſcendant o'er my Mind. [Mr. *Dryden*.

Nor was the Reverence paid by the Publick to the Informer of Youth, leſs Remarkable than the Eſteem and Duty of their Scholars. Which makes *Juvenal* break out into that elegant Rapture.

Dii majorum umbris tenuem & ſine pondere terram
Spirateſq; crocos, & in urnâ perpetuum ver,
Qui præceptorem ſancti voluere parentis
Eſſe loco (g).

In Peace ye Shades of our great Grandſires reſt,
No heavy Earth your ſacred Bones moleſt.
Eternal Springs and riſing Flowers adorn
The Reliques of each venerable Urn,
Who pious Reverence to their Tutors paid.
As parents Honour'd, and as Gods obey'd.
[Mr. *Charles Dryden*.

At the Age of Seventeen Years, the young Gentlemen, when they put on their manly Gown, were brought in a ſolemn Manner to the *Forum*, and entered in the Study of Pleading: Not only if they deſign'd to make this their chief Profeſſion, but altho' their Inclinations lay rather to the Camp. For we ſcarce meet with any famous Captain who was not a good ſpeaker; or any eminent Orator, who had not ſerv'd ſome time in the Army. Thus it was requiſite for all Perſons who had any Thoughts of riſing in the World, to make a good Appearance both at the Bar and in the Field; becauſe if the ſucceſs of their Valour and Conduct ſhou'd advance them to any conſiderable Poſt, it wou'd have prov'd almoſt impoſſible without the Advantage of Eloquence, to maintain their Authority with the Senate and People. Or if the Force of their Oratory ſhou'd in time procure them the honourable Office of *Prætor* or *Conſul*, they wou'd not have been in a Capacity to undertake the Government of

(g) Sat. 7.

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the Provinces (which fell to their Share at the Expiration of theſe Employments) without ſome experience in Military Commands.

Yet becauſe the Profeſſion of Arms was an Art, which wou'd eaſily give them an Opportunity of Signalizing themſelves, and in which they wou'd almoſt Naturally excel, as Occaſions ſhould be afterwards offer'd for their Service; their whole applications and Endeavours were directed at preſent to the Study of Law and Rhetorick, as the Foundations of their future Grandeur. Or perhaps they now and then made a Campaign, as well for a Diverſion from ſeveral Labours, as for their Improvement in Martial Diſcipline.

In the Dialogue *de Oratoribus*, we have a very good Account of this Admiſſion of young Gentlemen to the *Forum*, and of the neceſſity of ſuch a Courſe in the Common-Wealth; which coming from ſo great a Maſter cannot fail to be very Pertinent and Inſtructive.

'Among our Anceſtors (ſays that Author) the Youth who was 'deſign'd for the *Forum*, and the Practice of Eloquence, being 'now furniſh'd with the Liberal Arts, and the Advantage of a 'Domeſtick Inſtitution, was brought by his Father, or near Re'lations, to the moſt celebrated Orator in the City. Him he us'd 'conſtantly to attend, and to be always preſent at his perfor'mance of any Kind, either in judicial Matters, or in the ordi'nary Aſſemblies of the People. So that by this Means he learnt 'to engage in the Laurels and Contentions of the Bar, and to 'approve himſelf a Man at Arms, in the Wars of the Pleaders.

'For in that ancient Conſtitution of a mixt State, when the 'Differences were never referr'd to one ſupream Perſon, the 'Orators determin'd Matters as they pleas'd, by prevailing on 'the Minds of the ignorant Multitude. Hence came the Ambi'tion of Popular Applauſe; hence the great variety of Laws 'and Degrees; hence the tedious Speeches and Harangues of the 'Magiſtrates, ſometimes carried on whole Nights in the *Roſtra*: 'Hence the frequent Indictment and Impleading of the powerful 'Criminals, and the expoſing of Houſes to the Violence and 'Fury of the Rabble: hence the Factions of the Nobility, and 'the conſtant Heats and Bickerings between the Senate and Peo'ple. All which, tho' in a great Meaſure they Diſtracted the 'Common-Wealth, yet had this good Effect, that they exer'cis'd and improv'd the Eloquence of thoſe times, by propoſing 'the higheſt Rewards to that Study. Becauſe the more excel-

'lent any Person appear'd in the Art of Speaking, the more easily he arriv'd at Honours and Employments; the more he surpass'd his Collegue in the same Office, the greater was his Favour with the leading Men of the City, his Authority with the Senate, and his Renown and Esteem among the Commons. 'These Men were courted and waited on by Clients even of 'Forreign Nations: These, when they undertook the Command of Provinces, the very Magistrates reverenc'd at their 'departure, and ador'd at their return: These the highest Offices of *Prætor* and *Consul* seem'd to require, and call for, and 'court their acceptance: these when in a private Station abated 'very little of their Authority, while they guided both the Senate and People by their Counsel. For they took this for 'an infallible Maxim, that without Eloquence 'twas impossible 'either to attain or to defend a considerable Trust in the Common-Wealth: And no wonder when they were drawn to Business, even against their Will, and compell'd to show their 'Parts in Publick. When 'twas reckon'd but an ordinary Matter to deliver ones Opinion in short before the Senate, unless a 'Man cou'd maintain and improve it with the engaging Ornaments of Wit and Elegance. When if they had contracted 'any Envy or Suspicion, they were to answer the Accuser's 'Charge in Person. When they cou'd not so much as give 'their Evidence, as to Publick Matters, in Writing; but were 'oblig'd to appear in Court, and to deliver it with their own 'Mouth. So that there was not only a vast Encouragement 'but even a necessity of Eloquence: To be a fine Speaker was 'counted brave and glorious; on the other Hand, to act only 'a *mute Person*, on the publick Stage, was Scandalous and Reproachful. And thus a Scene of Honour, and desire of avoiding Infamy, was a main Incitement, to their Endeavours in 'these studies: least they shou'd be reckon'd among the Clients 'rather than among the Patrons; least the numerous Dependances transmitted to them from their Ancestors, shou'd now at 'last pass into other Families, for want of an able Supporter; 'least, like a sort of useless and unprofitable Creatures, they 'shou'd either be frustrated in their pretensions to Honour and 'Preferments, or else disgrace themselves and their office by the 'miscarriages of their Administration.

Crassus and *Antonius*, the Two chief Managers of the Discourse, in *Tully*'s first Book *de Oratore*, are represented as very opposite in their Judgments, concerning the necessary Improvements

ments of an accompliſh'd Orator, The former denies any Perſon the Honour of this Name, who does not poſſeſs in ſome Degree all the Qualities both native and acquir'd, that enter into the Compoſition of a general Scholar. The Force of his Argument lies in this, that an Orator ought to be able to deliver himſelf copiouſly on all manner of Subjects: And he does not ſee how any one can anſwer this Character, without ſome Excellency in all the Myſteries of Arts and Learning, as well as in the happy Endowments of Nature. Yet he wou'd not have theſe Acquiſitions ſet ſo looſe about him, as to be laid open to the Bottom on every Occaſion; but that (as a great Man expreſſeth it) they ſhou'd rather be ennamel'd in his Mind, than emboſs'd upon it. That as the Criticks in Gates and Geſtures will eaſily diſcover by the Comportment of a Man's Body whether he has learnt to Dance, tho' he does not practiſe his Art in his ordinary Motion: So an Orator when he delivers himſelf on any Subject, will eaſily make it appear whether he has a full Underſtanding of the particular Art or Faculty on which the Cauſe depends, tho' he does not diſcover of it in the Manner of a Philoſopher or a Mechanick. *Antonius* on the other Hand, reflecting on the ſhortneſs of Humane Life, and how great a part of it is commonly taken up in the attainment of but a few Parts of Knowledge, is inclin'd to believe that Oratory does not require the acceſſary Attendance of its Siſter Arts. But that a Man may be able to proſecute a Theme of any Kind, without a Train of Sciences, and the Advantages of a learned Inſtitution, That, as few Perſons are to ſeek in the cultivating of their Land, or the contrivance and elegance of their Gardens, tho' they never read *Cato de Re Ruſticâ* or *Mago* the *Carthaginian*: So an Orator may harangue with a great deal of Reaſon and Truth on a Subject taken from any part of Knowledge, without any farther Acquaintance with the nicer Speculations, than his common Sence and Underſtanding improv'd by Experience and Converſation ſhall lead him. 'For who ever (ſays he) when he 'comes to move the Affections of the Judges or People, ſtops 'at this, that he hath not Philoſophy enough to dive into the 'Firſt Springs of the Paſſions, and to diſcover their various 'Natures and Operations? Beſides, at this Rate we muſt quite 'lay aſide the Way of raiſing Pity in the Audience, by re'preſenting the miſery of a diſtreſs'd Party, or deſcribing (per'haps) the Slavery which he endures: when Philoſophy tells us

that a good Man can never be miſerable, and that Virtue is always abſolutely free.

Now as *Cato* without doubt ſat himſelf for the Picture which in *Craſſus* his Name he there draws of an Orator, and therefore ſtrengthens his Argument by his own Example as well as his Judgment; ſo *Antonius* in the next Dialogue does not ſtick to own, that his former Aſſertion was rather taken up for the Sake of diſputing and encountering his Rival, than to diliver the juſt Sentiments of his Mind. And therefore the gentile Education in the Politer Ages of *Rome* being wholly directed to the Bar, it ſeems probable that no part of uſeful Knowledge was omitted, for the improving and adorning of the main Study; and that all the other Arts were courted, tho' not with an equal Paſſion. And upon the whole it appears, that a ſtrange Aſſiduity and unwearied Application, were the very Life and Soul of their Deſigns. When their Hiſtorians deſcribe an extraordinary Man, this always enters into his Character as an eſſential Part of it, that he was *incredibili induſtriâ, diligentiâ ſingulari*; *of incredible Induſtry, of ſingular Diligence* (*h*). And *Cato* in *Saluſt* tells the Senate, that 'twas not the Arms ſo much as the Induſtry of their Anceſtors, which Advanc'd the Grandeur of *Rome*. So that the Founders and Regulators of this State, in making Diligence and Labour neceſſary Qualifications of a Citizen, took the ſame Courſe as the Poets will have *Jupiter* to have thought on, when he ſucceeded to the Government over the Primitive Mortals,

——*Pater ipſe colendi*
Haud facilem eſſe viam voluit; *primuſq*; *per artem*
Movit agros, curis acuens mortalia corda,
Nec torpere gravi paſſus ſua regna vaſerna (*i*).

To confirm the Opinion of their extream Induſtry and perpetual Study and Labour, it may not ſeem impertinent to inſtance in the Three common Exerciſes of Tranſlating, Declaiming and Reciting.

(*h*) Arch-Biſhop *Tillot*, Serm. of Edu. (*i*) *Virg.* Gerog. 1.

Tranſla-

uſTranſlation the ancient Orders of *Rome* look'd on as a moſt eful, tho' a moſt laborious Employment, All Perſons that applied themſelves to the Bar, propos'd commonly ſome one Orator of *Greece* for their conſtant Pattern; either *Liſias*, *Hyperides*, *Demoſthenes* or *Æſchines*, as their Genius was inclin'd. Him they continually ſtudied, and to render themſelves abſolutely Maſters of his Excellencies, were always making him ſpeak their own Tongue. This *Cicero*, *Quinctilian*, and *Pliny Junior* injoin as an indiſpenſable Duty in order to the acquiring any Talent in Eloquence. And the firſt of theſe great Men, beſides his many Verſions of the Orators for his private uſe; oblig'd the Publick with the Tranſlation of ſeveral Parts of *Plato and Xenophon* in Proſe, aud *Homer* and *Aratus* in Verſe.

As to Declaiming, this was not only the main Thing, at which they labour'd under the Maſters of Rhetorick, but what they practis'd long after they undertook real Cauſes, and had gain'd a conſiderable Name in the *Forum*. *Suetonius* in his Book *of famous Rhetoricians*, tells us that *Cicero* declaim'd in *Greek* till he was elected *Prætor*, and in *Latin* till near his Death. That *Pompey* the Great, juſt at the breaking out of the Civil War, reſum'd his old Exerciſe of declaiming, that he might the more eaſily be able to deal with *Curio*, who undertook the Defence of *Cæſar*'s Cauſe in his Publick Harangues. That *Marc Antony* and *Auguſtus* did not lay aſide this Cuſtom, even when they were engag'd in the Siege of *Mutina*: And that *Nero* was not only conſtant at his Declamations, while in a private Station, but for the firſt Year after his Advancement to the Emipire.

It is worth remarking, that the Subject of theſe old Declamations was not a meer fanciful Theſis, but a Caſe which might probably be brought into the Courts of Judicature. The contrary Practice, which crept into ſome Schools after the *Auguſtan* Age, to the great debaſing of Eloquence, is what *Petronius* inveighs ſo ſeverely againſt in the beginning of his *Satyricon*, in a Strain ſo Elegant that it wou'd loſe a great Part of the Grace and Spirit in any Tranſlation.

When I ſpeak of Recitation, I intend not to inſiſt on the Publick Performances of the Poets in that kind, for which purpoſe they commonly borrow'd the Houſe of ſome of their Nobleſt Patrons, and carried on the whole Matter before a vaſt concourſe of People, and with abundance of Ceremony. For

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conſidering the ordinary Circumſtances of Men of that Profeſſion, this may be thought not ſo much the Effect of an induſtrious Temper, as the neceſſary way of raiſing a Name among the Wits, and getting a tolerable Livelihood. And 'tis evident that under ſome Princes the moſt celebrated of this Tribe, for all their Trouble and Pains in proclaiming their Parts to the Multitude, cou'd hardly keep themſelves from ſtarving: as *Juvenal* obſerves of *Statius*,

——— *Sed cùm fregit ſubſellia verſu,*
Eſurit, intactam Paridi *niſi vendit* Agaven.

I wou'd mean therefore the Rehearſal of all manner of Compoſitions in Proſe or Verſe perform'd by Men of ſome Rank and Quality, before they oblig'd the World with their Publication. This was done ordinarily in a meeting of Friends and Acquaintance, and now and then with the admiſſion of a more numerous audience. The Deſign they chiefly aim'd at, was the correction and improvement of the Peice. For the Author having a greater Awe and Concern upon him on theſe Occaſions, than at other times, muſt needs take more Notice of every Word and Sentence, while he ſpoke them before the Company, than he did in the Compoſure, or in the common Supervisal. Beſides, he had the advantage of all his Friends Judgments, whether intimated to him afterwards in Private Conference, or tacitely declar'd at the Recital by their Looks and Nods, with many other Tokens of Diſlike or Approbation. In the fuller Auditories he had the Benefit of ſeeing what took, or what did not with People; whoſe common Suffrage was of ſo great Authority, in this Caſe, that *Pomponius Secundus* a celebrated Author of Fragides, when he conſulted with his Friend about the poliſhing any of his Writings, if they happen'd to differ in their Opinion about the Elegance, Juſtneſs, and Propriety of any Thought or Expreſſion, us'd always to ſay, *AD POPULUM PROVOCO, I APPEAL TO THE PEOPLE*; as the beſt deciders of the Controverſy (*k*).

(*k*) *Plin.* Lib. 7. Epiſt. 17.

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The Example of younger *Pliny* in this Practice is very obſervable, and the account which we have of it is given us by himſelf. *I omit* (ſays he) *no Way or Method that may ſeem Proper for correction: And firſt I take a ſtrict View of what I have Written, and conſider thoroughly of the whole Piece. In the next place I read it over to Two or Three Friends: and ſoon after ſend it to others for the Benefit of their Obſervations. If I am in any doubt concerning their Criticiſms, I take in the aſſiſtance of one or two beſides my ſelf to judge and debate the Matter. Laſt of all, I recite before a greater Number; And this is the Time that I furniſh my ſelf with the Several Emendations* (*l*).

It might be a farther Pleaſure on this Subject to deſcribe the whole Inſtitution and Courſe of Study of the moſt famous *Romans*, with their gradual advances to thoſe Vertues and attainments, which we ſtill admire in their Story. But the account which *Cicero* gives of himſelf in his *Brutus*, and ſome hints from other Parts of his Works, will excuſe, if not command, the omiſſion of all the reſt. And it is no ordinary Happineſs that we are oblig'd with the Hiſtory of that excellent Perſon from his own Hand, whom we muſt certainly pitch upon for the firſt and greateſt Example, if we were beholden only to the Relations of other Men.

For ſome while after his Admiſſion to the *Forum* he was a conſtant Auditor of the beſt Pleaders when ever they ſpoke in Publick: every Day he ſpent ſome time in writing, reading and improving his Invention; beſides the Exerciſes he perform'd in the Art of Oratory. For the Knowledge of the Civil Law he applied himſelf with all imaginable Diligence to Q. *Scævola*, the moſt celebrated Profeſſor of that Science; who tho' he did not make it his Buſineſs to procure Scholars, yet was very ready and willing to aſſiſt ſuch Perſons in this Study as deſir'd his Advice and Directions. 'Twas to this *Scævola* that *Cicero*'s Father when he put him on his *Manly Gown*, committed his Son, with a ſtrict Charge never to ſtir from him, but upon extraordinary Accounts.

About the 19*th* Year of his Age, in the Heat of his Contention, between *Marius* and *Sylla*, when the Courts of Judicature were ſhut up, and all things in Confuſion; *Philo* the Prince

(*l*) Ibid.

of

of the *Academy*, leaving *Athens* on occaſion of the *Mithridatick* War, took up his Reſidence in *Rome*. *Cicero* wholly reſign'd himſelf to his Inſtitution, having now fix'd the bent of his Thoughts and Inclinations to Philoſophy, to which he gave the more diligent Attendance, becauſe the diſtraction of the Times gave him little Reaſon to hope that the judicial Proceſs, and the regular Courſe of the Laws, wou'd ever be reſtor'd to their former Vigour. Yet not entirely to forſake his Oratory, at the ſame time he made his Applications to *Molo* the *Rhodian*, a famous Pleader and Maſter of Rhetorick.

Sylla being now the ſecond time advanc'd againſt *Mithridates*, the City was not much diſturb'd with Arms for Three Years together. During this Interval, *Cicero*, with unwearied Diligence, made his Advances Day and Night in all manner of Learning; having now the Benefit of a New Inſtructor *Diodotus* the *Scoic*, who liv'd and died in his Houſe. To this Maſter beſides his improvement in other uſeful Parts of Knowledge, he was particularly oblig'd for keeping him continually exercis'd in Logic, which he calls *a conciſe and compact kind of Eloquence.*

But tho' engag'd at the ſame time in ſo many and ſuch different Faculties, he let no Day ſlip without ſome performance in Oratory: Declaiming conſtantly with the beſt Antagoniſts he cou'd light on among the Students. In this Exerciſe he did not ſtick to any one Language, but ſometimes made uſe of *Latin*, ſometimes of *Greek*; and indeed more frequently of the latter; either becauſe the Beauties and Ornaments of the *Greek* Style, wou'd by this means grow ſo Natural as eaſily to be imitated in his own Tongue: or becauſe his *Grecian* Maſters wou'd not be ſuch proper Judges of his Style and Method, nor ſo well able to correct his Failures, if he deliver'd himſelf in any other than their Native Language.

Upon *Sylla*'s Victorious return and his Settlement of the Common-Wealth, the Lawyers recover'd their Practice, and the ordinary Courſe of judicial Matters was revived. And then it was that *Cicero* came to the Bar, and undertook the Patronage of Publick and Private Cauſes. His firſt Oration in a *Publick Judgment*, was the Defence of *Sextus Roſcius*, proſecuted by no leſs a Man than the *Dictator* himſelf, which was the Reaſon that none of the old ſtanch Advocates dar'd appear in his behalf. *Cicero* carried the Cauſe, to his great Honour, being now about Six or Seven and Twenty: And having behav'd

behav'd himſelf ſo remarkable well in his firſt Enterprize, there was no Buſineſs thought too weighty or difficult for his management.

He found himſelf at this time to labour under a very weak Conſtitution, to which was added the Natural Default in his make of a long and thin Neck: ſo that in Probability the labour and ſtraining of the Body requir'd in an Orator cou'd not conſiſt but with manifeſt Danger of his Life. This was eſpecially to be fear'd in him, becauſe he was obſerv'd in his Pleadings to keep his Voice always at the higheſt Pitch in a moſt vehement and impetuous Tone, and at the ſame time to uſe an agreeable Violence in his Geſture and Action. Upon this Conſideration the Phyſicians and his neareſt Friends were continually urging him to lay aſide all thoughts of a Profeſſion which appear'd ſo extreamly prejudicial to his Health. But *Cicero* ſhew'd himſelf equally inflexible to the Advice of the one, and to the Entreaties of other; and declar'd his Reſolution rather to run the riſque of any Danger that might happen, than deprive himſelf of the Glory which he might juſtly challenge from the Bar.

Confirming himſelf in this Determination he began to think, that upon altering his Mode of ſpeaking and bringing his Voice down to a lower and more moderate Key, he might abate conſiderably of the Heat and Fury which now tranſported him, and by that Means avoid the Damage which ſeem'd now to threaten his Deſign.

For the effecting of the Cure, he concluded on a Journey into *Greece*: And ſo, after he had made his Name very conſiderable in the *Forum*, by Two Years pleading, he left the City. Being arriv'd at *Athens*, he took up his Reſidence for Six Months with the Philoſopher *Atticus*, the wiſeſt and moſt noble Aſſertor of the old *Academy*: And here under the direction of the greateſt Maſter, he renew'd his Acquaintance with that Part of Learning which had been the conſtant Entertainment of his Youth, at the ſame time performing his Exerciſes in Oratory under the Care of *Demetrius* the *Syrian*, an eminent Profeſſor of the Art of Speaking. After this he made a Circuit round all *Aſia*, with ſeveral of the moſt celebrated Orators and Rhetoricians, who voluntarily offer'd him their Company.

But not ſatisfied with all theſe Advantages, he ſail'd to *Rhodes*, and there entred himſelf once more among the Scholars of the famous *Molo*, whom he had formerly heard at *Rome*: One

that

that besides his admirable Talent at pleading and penning, had a peculiar Happiness in marking and correcting the Defaults in any Performance. 'Twas to his institution that *Cicero* gratefully acknowledges he ow'd the retrenching of his Juvenile Heat and unbounded Freedom of thought, which did not consist with the Just Rules of an exact and severe Method.

Returning to *Rome*, after Two Years Absence, he appear'd quite another Man: for his Body strengthen'd by Exercise, was come to a tolerable Habit: His way of speaking seem'd to have grown cool; and his Voice was rendred much easier to himself, and much sweeter to the Audience, Thus about the One and Thirtieth Year of his Age, he arriv'd at that full Perfection, which had so long taken up his whole Wishes and Endeavours.

PART I.

The Original, Growth, and Decay of the Roman Common-wealth.

CHAP I.

Of the Building of the CITY.

WHILE we view the Original of States and Kingdoms (the moſt delightful and ſurprizing Part of Hiſtory,) we eaſily diſcern, as the firſt and faireſt Proſpect, the Riſe of the *Jewiſh* and *Roman* Common-wealths: Of which, as the former had the Honour always to be eſteem'd the Favourite of Heaven, and the peculiar Care of Divine Providence; ſo the other had very good Pretenſions to ſtyle Herſelf the Darling of Fortune; who ſeem'd to expreſs a more than ordinary Fondneſs for this her youngeſt Daughter, as if ſhe had deſign'd the Three former Monarchies purely for a Foil to ſet off this latter. Their own Hiſtorians rarely begin without a Fit of Wonder; and, before they proceed to delineate the glorious Scene, give themſelves the liberty of ſtanding ſtill ſome time, to admire at a diſtance.

For the Founder of the City and Republick, Authors have long ſince agreed on *Romulus*, Son of *Rhea Sylvia*, and Deſcendant of *Æneas*; from whom his Predigree may be thus in ſhort deriv'd:

Upon the final Ruin and Deſtruction of *Troy* by the *Grecians*, *Æneas*, with a ſmall number of Followers, had the good fortune to ſecure himſelf by flight. His eſcape was very much countenanc'd by the Enemy, inaſmuch as upon all occaſions he had expreſs'd his Inclinations to a Peace, and to the reſtoring of *Helen*, the unhappy cauſe of all the Miſchief. Sailing thus from *Troy*, after a tedious Voyage, and great variety of Adventures, he arriv'd at laſt at *Latium*, a part of *Italy* ſo call'd, *à latendo*, or from *lying hid*; being the Place that *Saturn* had choſe for his Retirement, when expell'd the Kingdom of *Crete* by his rebellious Son *Jupiter*: Here applying himſelf to the King of the Country, at that time *Latinus*, he obtain'd his only Daughter, *Lavinia*, in Marriage; and upon the Death of his Father-in-Law, was left in poſſeſſion of the Crown. He remov'd the Imperial Seat from *Laurentum* to *Lavinium*, a City which he had built himſelf in Honour of his Wife; and deceaſing ſoon after, the Right of Succeſſion reſted in *Aſcanius*; whether his Son by a former Wife, and the ſame he brought with him from *Troy*, or another of that Name, which he had by *Lavinia*, *Livy* leaves undetermin'd. *Aſcanius* being under Age, the Government was entruſted in the hands of *Lavinia*: But, as ſoon as he was grown up, he left his Mother in poſſeſſion of *Lavinium*; and removing with part of the Men, laid the Foundation of a New City, along the ſide of the Mountain *Albanus*, call'd from thence *Longa Alba*. After him, by a Succeſſion of Eleven Princes, the Kingdom devolv'd at laſt to *Procas*. *Procas* at his Death left two Sons, *Numitor* and *Amulius*; of whom *Amulius* over-reaching his elder Brother, oblig'd him to quit his Claim to the Crown, which he thereupon ſecur'd to himſelf; and to prevent all diſturbance that might probably ariſe to him or his Poſterity, from the elder Family, making away with all the Males, he conſtrain'd *Numitor*'s only Daughter, *Rhea Sylvia*, to take on her the Habit of a Veſtal, and conſequently a Vow of perpetual Virginity. However, the Princeſs was ſoon after found with Child, and deliver'd of two Boys, *Romulus* and *Remus*. The Tyrant being acquainted with the truth, immediately condemn'd his Niece to ſtrait Impriſonment, and the Infants to be expos'd, or carry'd and left in a ſtrange Place, where 'twas very improbable they ſhould meet with any relief. The Servant, who had the Care of this inhumane Office, left the Children at the bottom of a Tree, by the Bank of the River *Tiber*. In this ſad Condition, they were caſually diſcover'd by *Fauſtulus* the King's Shepherd; who being wholly ignorant of the Plot, took the Infants up, and carri'd them home to his Wife *Laurentia*,

to

to be Nurs'd with his own Children *(a)*. This Wife of his, had formerly been a common Proſtitute, call'd in Latin *Lupa*; which Word ſignifying likewiſe a She-Wolf, gave occaſion to the Story of their being nurs'd by ſuch a Beaſt; though ſome take the Word always in a literal Sence, and maintain that they really ſubſiſted ſome time, by ſucking ſuch a Creature, before they had the good Fortune to be reliev'd by *Fauſtulus (b)*. The Boys, as they grew up, diſcovering the natural Greatneſs of their Minds and Thoughts, addicted themſelves to the generous Exerciſes of Hunting, Racing, Taking of Robbers, and ſuch-like; and always expreſs'd a great Deſire of undertaking any Enterprize that appear'd hazardous and Noble *(c)*. Now there happening a Quarrel betwixt the Herdſmen of *Numitor* and *Amulius*, the former lighting caſually on *Remus*, brought him before their Maſter to be examin'd. *Numitor*, learning from his own Mouth the ſtrange Circumſtances of his Education and Fortune, eaſily gueſs'd him to be one of his Grand-Sons, who had been expos'd. He was ſoon confirm'd in this Conjecture, upon the arrival of *Fauſtulus* and *Romulus*; when the whole Buſineſs being laid open, upon Conſultation had, gaining over to their Party a ſufficient number of the diſaffected Citizens, they contriv'd to ſurprize *Amulius*, and re-eſtabliſh *Numitor*. This Deſign was ſoon after very happily put in execution, the Tyrant Slain, and the old King reſtor'd to a full Enjoyment of the Crown *(d)*. The young Princes had no ſooner re-ſeated their Grand-Father in his Throne, but they began to think of procuring one for themſelves. They had higher Thoughts than to take up with the Reverſion of a Kingdom; and were unwilling to live in *Alba*, becauſe they could not Govern there: So taking with them their Foſter-Father, and what others they could get together, they began the Foundation of a New City, in the ſame place where, in their Infancy, they had been brought up *(e)*. The firſt Walls were ſcarce finiſh'd, when, upon a ſlight Quarrel, the occaſion of which is variouſly reported by Hiſtorians, the younger Brother had the misfortune to be Slain. Thus the whole Power came into *Romulus*'s hands; who carrying on the remainder of the Work, gave the City a Name in alluſion to his own, and hath been ever accounted the Founder and Patron of the *Roman* Common-wealth.

(a) *Livy*, lib. 1. (b) See *Dempſter*'s Notes to *Roſinus*'s Antiquities, *lib.* 1 *cap.* 1. (c) *Plutarch* in the Life of *Romulus*. (d) *Ibid, and Livy. lib.* 1. (e) *Plutarch*, as before; and *Livy lib.* 1.

CHAP. II.

Of the Roman *Affairs under the Kings.*

THE witty Hiſtorian (*a*) had very good reaſon to entitle the Reign of the Kings, the Infancy of *Rome*; for 'tis certain, that under them ſhe was hardly able to find her own Legs, and at the beſt had but a very feeble Motion. The greateſt part of *Romulus*'s time was taken up in making Laws and Regulations for the Common-wealth: Three of his State-Deſigns, I mean the *Aſylum*, the Rape of the *Sabine* Virgins, and his way of treating thoſe few whom he conquer'd, as they far exceeded the Politicks of thoſe Times; ſo they contributed, in an extraordinary degree, to the advancement of the New Empire. But then *Numa*'s long Reign ſerv'd only for the Eſtabliſhment of Prieſts and Religious Orders; and in thoſe Three and forty Years, (*b*) *Rome* gain'd not ſo much as one Foot of Ground. *Tullus Hoſtilius* was wholly employ'd to convert his Subjects from the pleaſing Amuſements of Superſtition, to the rougher Inſtitution of Martial Diſcipline: Yet we find nothing memorable related of his Conqueſts; only that after a long and dubious War, the *Romans* entirely ruin'd their Old Mother *Alba*. (*c*) After him, *Ancus Marcius*, laying aſide all Thoughts of extending the Bounds of the Empire, applied himſelf wholly to ſtrengthen and beautifie the City; (*d*) and eſteem'd the Commodiouſneſs and Magnificence of that, the nobleſt Deſign he could poſſibly be engag'd in. *Tarquinius Priſcus*, tho' not altogether ſo quiet as his Predeceſſor, yet conſulted very little elſe beſides the Dignity of the Senate, and the Majeſty of the Government; for the encreaſe of which, he appointed the Ornaments and Badges of the ſeveral Officers, to diſtinguiſh them from the common People. (*e*) A more peaceful Temper appear'd in *Servius Tullius*, whoſe principal ſtudy was to have an exact account of the Eſtates of the *Romans*; and according to thoſe, to divide them into Tribes, (*f*) that ſo they might contribute with Juſtice and Proportion to the Publick Expences of the State. *Tarquin the Proud*, tho' perhaps more engag'd in Wars than any of his Predeceſſors, (*g*) yet had in his

(*a*) *Florus* in the Preface to his Hiſtory. (*b*) *Plutarch* in the Life of *Numa*. (*c*) *Florus lib.* 1. cap. 3. (*d*) *Idem, lib.* 1 cap. 4. (*e*) *Idem, lib.* 1. cap. 5. (*f*) *Florus, lib.* 1. cap. 6. (*g*) See *Florus, lib.* 1. cap. 7.

Nature

Nature ſuch a ſtrange Compoſition of the moſt extravagant Vice, as muſt neceſſarily have prov'd fatal to the growing Tyranny: And had not the Death of the unfortunate *Lucretia*, adminiſtred to the People an Opportunity of Liberty; yet a far ſlighter matter would have ſerv'd them for a ſpecious Reaſon, to endeavour the aſſertion of their Rights. However on this Accident, all were ſuddenly tranſported with ſuch a mixture of Fury and Compaſſion, that under the Conduct of *Brutus* and *Collatinus*, to whom the dying Lady had recommended the Revenge of her injur'd Honour, (*a*) ruſhing immediately upon the Tyrant, they expell'd him and his whole Family. A new Form of Government was now reſolv'd on; and becauſe to live under a divided Power, carry'd ſomething of Complacency in the Proſpect, (*b*) they unanimouſly conferr'd the Supreme Command on the Two generous Aſſerters of their Liberties. (*c*) Thus ended the Royal Adminiſtration, after it had continu'd about Two hundred and fifty Years.

Florus, in his Reflections on this Firſt Age of *Rome*, can't forbear applauding the happy Fate of his Country, that it ſhould be bleſs'd, in that weak Age, with a Succeſſion of Princes ſo fortunately different in their Aims and Deſigns; as if Heaven had purpoſely adapted them to the ſeveral Exigencies of the State. (*d*) And the famous *Machiavel* is of the ſame Opinion. (*e*) But a judicious Author (*f*) hath lately obſerv'd, that this difference of *Genius* in the Kings, was ſo far from procuring any Advantage to the *Roman* People, that their ſmall encreaſe, under that Government, is referrible to no other cauſe. However, thus far we are aſſur'd, that thoſe ſeven Princes left behind a Dominion of no larger extent than that of *Parma*, or *Mantua*, at preſent.

(*a*) *Idem, lib.* 1. cap. 9. (*b*) *Plutarch*, in the Life of *Poplicola*. (*c*) *Ibid* & *Florus, lib.* 1. cap. 9. (*d*) *Idem*, cap. 8. (*e*) *Machiavel*'s Diſcourſes on *Livy, lib.* 2. cap. 19. (*f*) Monſieur St. *Euremont*'s Reflections on the *Genius* of the *Roman* People. cap. 1.

CHAP. III.

Of the Roman *Affairs, from the beginning of the Conſular Government, to the firſt* Punic *War.*

THE Tyrant was no ſooner expell'd, but, as it uſually happens, there was great plotting and deſigning for his Reſtauration. Among ſeveral other young Noble-men, *Brutus*'s his two Sons had engag'd themſelves in the Aſſociation: But the Conſpiracy being happily diſcover'd, and the Traytors brought before the Conſuls, in order to their Puniſhment, *Brutus* only addreſſing himſelf to his two Sons, and demanding whether they had any Defence to make againſt the Indictment; upon their ſilence, order'd them immediately to be Beheaded: And ſtaying himſelf to ſee the Execution, committed the reſt to the Judgment of his Colleague. (*a*) No Action among the Old *Romans* has made a greater noiſe than this: 'Twould be exceeding difficult to determine, whether it proceeded from a Motion of Heroick Virtue; or the Hardneſs of a cruel and unnatural Humour; or whether Ambition had not as great a ſhare in it as either. But tho' the Flame was ſo happily ſtifled within the City, it ſoon brook out with greater fury abroad: For *Tarquin* was not only receiv'd with all imaginable Kindneſs and Reſpect by the neigbouring States, but ſupplied too with all Neceſſaries, in order to the recovery of his Dominions. The moſt powerful Prince in *Italy* was at that time *Porſenna*, King of *Hetruria*, or *Tuſcany*; who not content to furniſh him with the ſame Supplies as the reſt, approach'd with a numerous Army, in his behalf, to the very Walls of *Rome*. (*b*) The City was in great hazard of being taken, when an Admiration of the Virtue and gallant Diſpoſition of the *Romans*, induc'd the Beſieger to a Peace. (*c*) The moſt remarkable Inſtances of this extraordinary Courage, were *Cocles*, *Mutius*, and *Clælia*. *Cocles*, when the *Romans* were beaten back in an unfortunate Sally, and the Enemy made good their Purſuit to the very Bridge, only with the aſſiſtanee of two Perſons, defended it againſt their whole Power, 'till his own Party broke it down behind; and then caſt himſelf in his Armour into the Ri-

(*a*) *Plutarch.* in *vitâ Poplicolæ.* (*b*) *Idem, & Florus, lib.* 1. (*c*) *Plut.* in *Poplicol.*

ver,

ver, and Swam over to the other ſide. *(a) Mutius*, having fail'd in an Attempt upon *Porſennas'* Perſon, and being brought before the King to be examin'd, thruſt his Right-hand, which had committed the Miſtake, into a Pan of Coals that ſtood ready for the Sacrifice. Upon which generous Action, he was diſmiſs'd without farther injury. As for *Clælia*, ſhe with other Noble Virgins, had been deliver'd to the Enemy for Hoſtages, on account of a Truce; when obtaining the liberty to bathe themſelves in *Tiber*, ſhe getting on Horſe-back before the reſt, encourag'd them to follow her thro' the Water to the *Romans*; tho' the Conſul generouſly ſent them back to the Enemy's Camp. *Porſenna* had no ſooner drawn off his Army, but the *Sabines* and *Latines* join'd in a Confederacy againſt *Rome*: And tho' they were extremely weaken'd by the deſertion of *Appius Claudius*, who went over with Five thouſand Families to the *Romans*; yet they could not be entirely ſubdu'd, 'till they receiv'd a total Overthrow from *Valerius Poplicola*. *(b)* But the *Æqui* and the *Volſci*, the moſt obſtinate of the *Latines*, and the continual Enemies of *Rome*, carry'd on the remainder of the War for ſeveral Years, 'till it was happily concluded by *Lucius Quinctius*, the famous *Dictator*, taken from the Plough, in leſs than fifteen Days time: Upon which, *Florus* has this witty Remark, That *he made more than ordinary haſte to this unfiniſh'd Work*. *(c)* But they that made the greateſt oppoſition, were the Inhabitants of *Veii*, the Head of *Tuſcany*, a City not inferiour to *Rome*, either in ſtore of Arms, or multitude of Soldiers: They had contended with the *Romans*, in a long ſeries of Battels, for Glory and Empire; but having been weaken'd and brought down in ſeveral Encounters, they were oblig'd to ſecure themſelves within their Walls: And after a ten Years Siege, the Town was forc'd and ſack'd by *Camillus*. *(d)* In this manner were the *Romans* extending their Conqueſt, when the Irruption of the *Gauls* made a ſtrange alteration in the Affairs of *Italy*. They were at this time beſieging *Cluſium*, a *Tuſcan* City. The *Cluſians* ſent to the *Romans*, deſiring them to interpoſe by Ambaſſadors on their behalf. Their Requeſt was eaſily granted; and Three of the *Fabii*, Perſons of the higheſt Rank in the City, diſpatch'd for this purpoſe to the *Gallick* Camp. The *Gauls*, in reſpect to the Name of *Rome*, receiv'd them with all imaginable Civility; but could by no means be prevail'd on to quit the Siege. Whereupon the Ambaſſadors going into the Town, and encouraging the *Cluſians* to a Sally, one of them was ſeen per-

(a) *Plut. Ibid.* (b) *Ibid* (c) *Florus, lib.* 1. cap. 11. (d) *Plutarch*, in his Life'

ſonally engaging in the Action. This being contrary to the receiv'd Law of Nations, was reſented in ſo high a manner by the Enemy, that breaking up from before *Cluſium*, the whole Army march'd directly toward *Rome*. About eleven Miles from the City, they met with the *Roman* Army, Commanded by the Military Tribunes, who Engaging without any Order or Diſcipline, receiv'd an entire Defeat. Upon the arrival of this ill News, the greateſt part of the Inhabitants immediately fled: Thoſe that reſolv'd to ſtay, Fortified themſelves in the Capitol. The *Gauls* ſoon appear'd at the City-Gates; and deſtroying all with Fire and Sword, carry'd on the Siege of the Capitol with all imaginable Fury: At laſt, reſolving on a general Aſſault, they were diſcover'd by the Cackling of the Geeſe that were kept for that purpoſe; and as many as had climb'd the Rampart, were drove down by the valiant *Manlius*, when *Camillus*, ſetting upon them in the Rear with Twenty thouſand Men that he got together about the Country, gave them a total Overthrow. The greateſt part of thoſe that eſcap'd out of the Field, were cut off in ſtraggling Parties, by the Inhabitants of the Neigbouring Towns and Villages. The City had been ſo entirely demoliſh'd, that upon the return of the People, they thought of removing to *Veii*, a City ready Built, and excellently provided of all Things. But being diverted from this Deſign, by an Omen, (as they thought) they ſet to the Work, with ſuch extraordinary Diligence and Application, that within the compaſs of a Year, the whole City was re-built. They had ſcarce gain'd a breathing-time after their Troubles, when the united Powers of the *Æqui*, *Volſci*, and other Inhabitants of *Latium*, at once invaded their Territories. But they were ſoon over-reach'd by a Stratagem of *Camillus*, and totally routed. *(a)* Nor had the *Samnites* any better Fate, tho' a People very numerous, and of great Experience in War. The Contention with them laſted no leſs than Fifty Years, *(b)* when they were finally ſubdu'd by *Papirius Curſor*. *(c)* The *Tarentine* War that follow'd, put an end to the entire Conqueſt of *Italy*. *Tarentum*, a City of great Strength and Beauty, ſeated on the *Adriatick* Sea, was eſpecially remarkable for the Commerce it maintain'd with moſt of the Neighbouring Countries, as *Epirus*, *Illyricum*, *Sicily*, &c. *(d)* Among other Ornaments of their City, they had a ſpacious Theatre for Publick Sports, Built hard by the Sea-ſhoar. They happen'd to be engag'd in the Celebration of ſome ſuch So-

(a) Plut. in vit. Camil. (b) Florus, lib. 1. cap. 16. *(c) Liv. lib.* 10. *(d) Flor. lib.* 1. cap. 18.

lem-

lemnity, when, upon ſight of the *Roman* Fleet, that caſually ſail'd by their Coaſts, imagining them to be Enemies, they immediately ſet upon them, and killing the Commander, rifled the greateſt part of the Veſſels. Ambaſſadors were ſoon diſpatch'd from *Rome* to demand Satisfaction: But they met with as ill Reception as the Fleet, being diſgracefully ſent away without ſo much as a Hearing. Upon this, a War was ſoon commenc'd between the States. The *Tarentines* were encreas'd by an incredible number of Allies from all Parts: But he that made the greateſt appearance in their behalf, was *Pyrrhus* King of *Epirus*, the moſt experienc'd General of his Time. Beſides the choiceſt of his Troops that accompany'd him in the Expedition, he brought into the Field a conſiderable number of Elephants, a ſort of Beaſts ſcarce heard of 'till that time in *Italy*. In the firſt Engagement, the *Romans* were in fair hopes of a Victory, when the Fortune of the Day was entirely chang'd, upon the coming up of the Elephants; who made ſuch a prodigious Deſtruction in the *Roman* Cavalry, that the whole Army was oblig'd to retire. But the politick General, having experienc'd ſo well the *Roman* Courage, immediately after the Victory, ſent to offer Conditions for a Peace; but was abſolutely refus'd. In the next Battel, the Advantage was on the *Roman* ſide, who had not now ſuch diſmal Apprehenſions of the Elephants, as before. However, the Buſineſs came to another Engagement, when the Elephants, overrunning whole Ranks of their own Men, occaſion'd by the Cry of a young one that had been wounded, gave the *Romans* an abſolute Victory. (*a*) Twenty three thouſand of the Enemy were kill'd, (*b*) and *Pyrrhus* finally expell'd *Italy*. In this War the *Romans* had a fair Opportunity to ſubdue the other Parts that remain'd unconquer'd, under the pretext of Allies to the *Tarentines*. So that at this time, about the 477th. Year of the Building of the City, (*c*) they had made themſelves the entire Maſters of *Italy*.

(*a*) *Florus, Ibid.* (*b*) *Eutropius, lib.* 2. (*c*) *Ibid.*

CHAP.

CHAP. IV.

Of the Roman *Affairs, from the beginning of the firſt* Punic *War, to the firſt* Triumvirate.

BUT the Command of the Continent could not ſatisfie the *Roman* Courage; eſpecially while they ſaw ſo delicious an Iſle as *Sicily* almoſt within their reach: They only waited an occaſion to paſs the Sea, when Fortune preſented as fair an one as they could wiſh. The Inhabitants of *Meſſina*, a *Sicilian* City, made grievous Complaints to the Senate, of the daily Encroachments of the *Carthaginians*, a People of vaſt Wealth and Power, and that had the ſame Deſign on *Sicily* as the *Romans*. (*a*) A Fleet was ſoon Mann'd out for their Aſſiſtance; and in two Years time, no leſs than Fifty Cities were brought over. (*b*) The entire Conqueſt of the Iſland quickly follow'd; and *Sardinia* and *Corſica* were taken in about the ſame time by a ſeparate Squadron. And now, under the Command of *Regulus* and *Manlius*, the Conſuls, the War was tranſlated into *Africa*. Three hundred Forts and Caſtles were deſtroy'd in their March, and the victorious Legions encamp'd under the very Walls of *Carthage*. The Enemy reduc'd to ſuch ſtraits, were oblig'd to apply themſelves to *Xantippus*, King of the *Lacedæmonians*, the greateſt Captain of the Age; who immediately march'd to their Aſſiſtance with a numerous and well-diſciplin'd Army. In the very firſt Engagement with the *Romans*, he entirely defeated their whole Power: Thirty thouſand were kill'd on the ſpot, and Fifteen thouſand with the Conſul *Regulus*, taken Priſoners. But as good Succeſs always encourag'd the *Romans* to greater Deſigns; ſo a contrary Event did but exaſperate them the more. The new Conſuls were immediately diſpatch'd with a powerful Navy, and a ſufficient number of Land-Forces. Several Campaignes were now waſted, without any conſiderable Advantage on either ſide: Or, if the *Romans* gain'd any thing by their Victories, they generally loſt as much by Shipwracks; when at laſt the whole Power of both States being drawn together on the Sea, the *Carthaginians* were finally defeated, with the loſs of 125 Ships ſunk in the En-

(*a*) *Florus, lib.* 2. *cap.* 2. (*b*) *Eutrop. lib.* 2.

gage-

gagement, 73 taken; 32000 Men kill'd, and 13000 Priſoners. Upon this, they were compell'd to ſue for a Peace; which, after much entreaty, and upon very hard Conditions, was at laſt obtain'd. *(a)*

But the *Carthaginians* had too great Spirits to ſubmit to ſuch unreaſonable Terms any longer than their Neceſſities oblig'd them. In four Years time *(b)* they had got together an Army of 150000 Foot, and 20000 Horſe, *(c)* under the Command of the famous *Hannibal*; who forcing a Way through the *Pyrenæan* Mountains and the *Alpes*, reputed 'till that time impaſſable, deſcended with his vaſt Army into *Italy*. In Four ſucceſſive Battels, he defeated the *Roman* Forces; in the laſt of which, at *Cannæ*, 40000 of the latter were kill'd: *(d)* And had he not been meerly caſt away by the Envy and Ill-will of his own Country-men, 'tis more than probable that he muſt have entirely ruin'd the *Roman* State. *(e)* But Supplies of Men and Money being ſometimes abſolutely deny'd him, and never coming but very ſlowly, the *Romans* had ſuch Opportunities to recruit, as they little expected from ſo experienc'd an Adverſary. The wiſe Management of *Fabius Maximus* was the firſt Revival of the *Roman* Cauſe: He knew very well the Strength of the Enemy; and therefore march'd againſt him, without intending to hazard a Battel; but to wait conſtantly upon him, to ſtraiten his Quarters, intercept his Proviſions, and ſo make the victorious Army pine away with Penury and Want. With this Deſign, he always Encamp'd upon the high Hills, where the Horſe could have no acceſs to him. When they march'd, he did the ſame; but at ſuch a diſtance, as not to be compell'd to an Engagement. By this Policy he ſo broke *Hannibal*'s Army, as to make him abſolutely deſpair of getting any thing in *Italy*. *(f)* But the concluſion of the War was owing to the Conduct of *Scipio*: He had before reduc'd all *Spain* into Subjection; and now taking the ſame courſe as *Hannibal* at firſt had done, he march'd with the greateſt part of the *Roman* Forces into *Africa*; and carrying all before him to the very Walls of *Carthage*, oblig'd the Enemy to call home their General out of *Italy*, for the Defence of the City. *Hannibal* obey'd; and both Armies coming to an Engagement, after a long Diſpute, wherein the Commanders and Soldiers of both Sides are reported to have out-done Themſelves, the Victory fell to the *Romans*. Whereupon the Enemy were oblig'd once more to ſue

(a) *Eutrop. lib.* 2. (b) *Florus, lib.* 2. cap. 6. (c) *Eutrop. lib.* 3. (d) *Ibid.* (e) *Cornelius Nepos*, in vit. *Hannibal.* (f) *Plutarch.* in vit. *Fab. Max.*

for a Peace; which was again granted them, tho' upon much harder Conditions than before.

The *Romans*, by the happy concluſion of this War, had ſo highly advanc'd themſelves in the Opinion of the Neighbouring States, that the *Athenians*, with the greateſt part of *Greece*, being at this time miſerably enſlav'd by King *Philip* of *Macedon*, unanimouſly petition'd the Senate for Aſſiſtance. A Fleet with a ſufficient number of Land-Forces, was preſently diſpatch'd to their Relief; by whoſe Valour, the Tyrant, after ſeveral Defeats, was compell'd to reſtore all *Greece* to their ancient Liberties, obliging himſelf to pay an annual Tribute to the Conquerours. (*a*)

Hannibal, after his late Defeat, had apply'd himſelf to *Antiochus* King of *Syria*, who at this time was making great Preparations againſt the *Romans*. *Acilius Glabrio* was firſt ſent to oppoſe him, and had the Fortune to give him ſeveral Defeats; when *Cornelius Scipio*, the *Roman* Admiral, Engaging with the King's Forces at Sea, under the Command of *Hannibal*, entirely ruin'd the whole Fleet. Which Victory being immediately follow'd by another as ſignal at Land, the effeminate Prince was contented to purchaſe a Peace at the price of almoſt half his Kingdom. (*b*)

The victorious *Romans* had ſcarce concluded the Publick Rejoicings on account of the late Succeſs, when the death of King *Philip* of *Macedon* preſented them with an occaſion of a more glorious Triumph. His Son *Perſeus*, that ſucceeded, reſolving to break with the Senate, apply'd himſelf wholly to raiſing Forces, and procuring other Neceſſaries for a War. Never were greater Appearances in the Field than on both ſides, moſt of the conſiderable Princes in the World being engag'd in the Quarrel. But Fortune ſtill declar'd for the *Romans*, and the greateſt part of *Perſeus*'s prodigious Army was cut off by the Conſul *Æmylius*, and the King oblig'd to ſurrender himſelf into the hands of the Conquerour. (*c*) Authors that write of the Four Monarchies, here fix the end of the *Macedonian* Empire.

But *Rome* could not think her ſelf ſecure amongſt all theſe Conqueſts, while her old Rival *Carthage* was yet ſtanding: So that upon a ſlight Provocation, the City, after Three Years Siege, was taken, and utterly raſed, by the Valour of *Publius Scipio*, Grand-ſon, by Adoption, to him that conquer'd *Hannibal*. (*d*)

(*a*) *Eutrop. lib.* 4. (*b*) *Florus, lib.* 2. cap. 8. (*c*) *Vell. Patert. lib.* 1. (*d*) *Ibid.*

Not

Nor long after, *Attalus*, King of *Pergamus*, dying without Iſſue, left his vaſt Territories, containing near all *Aſia*, to the *Romans*. (*a*) And what of *Africa* remain'd unconquer'd, was for the moſt part reduc'd in the *Jugurthan* War that immediately follow'd; *Jugurtha* himſelf, after ſeveral Defeats, being taken Priſoner by *Marius*, and brought in Triumph to *Rome*. (*b*)

And now after the Defeat of the *Teutones* and *Cimbri*, that had made an Inroad into *Italy*, with ſeveral leſſer Conqueſts in *Aſia* and other Parts, the *Mithridatick* War, and the Civil War between *Marius* and *Sylla*, broke out both in the ſame Year. (*c*) *Sylla* had been ſent General againſt *Mithridates* King of *Pontus*, who had ſeiz'd on the greateſt part of *Aſia* and *Achaia* in an hoſtile manner; when before he was got out of *Italy*, *Sulpicius*, the Tribune of the People, and one of *Marius*'s Faction, preferr'd a Law to re-call him, and to depute *Marius* in his room. Upon this, *Sylla*, leading back his Army, and overthrowing *Marius* and *Sulpicius* in his way, having ſettled Affairs at *Rome*, and baniſh'd the Authors of the late Sedition, return'd to meet the foreign Enemy. (*d*) His firſt Exploit was the taking of *Athens*, and ruining the famous Mole in the Haven *Piræus*. (*e*) Afterwards, in two Engagements, he kill'd and took near 130000 of the Enemy, and compell'd *Mithridates* to ſue for a Truce. (*f*) In the mean time, *Marius*, being call'd home by the new Conſuls, had exercis'd all manner of Cruelty at *Rome*; whereupon, taking the opportunity of the Truce, *Sylla* once more march'd back toward *Italy*. *Marius* was dead before his return; (*g*) but his two Sons, with the Conſuls, rais'd ſeveral Armies to oppoſe him. But ſome of the Troops being drawn over to his Party, and the others routed, he entred the City, and diſpos'd all things at his Pleaſure, aſſuming the Title and Authority of a perpetual Dictator. But having regulated the State, he laid down that Office, and died in retirement. (*h*)

Mithridates had ſoon broke the late Truce, and invaded *Bithynia* and *Aſia*, with as great fury as ever; when the *Roman* General *Lucullus*, routing his vaſt Armies by Land and Sea, chas'd him quite out of *Aſia*; and had infallibly put an happy concluſion to the War, had not Fortune reſerv'd that Glory for *Pompey*. (*i*) He being deputed in the room of *Lucullus*, after the defeat of the new Forces of *Mithridates*, compell'd him to fly to his Father-in-Law *Tigranes* King of *Armenia*. *Pompey* fol-

(*a*) *Eutrop. lib.* 4. (*b*) *Ibid.* (*c*) *Eutrop. lib.* 5. (*d*) *Ibid.* (*e*) *Vell. Paterc. lib.* 2. (*f*) *Eutrop. lib.* 5. (*g*) *Vell. Paterc. lib.* 2. (*h*) *Aurelius Victor*, in *vit. Syllæ.* (*i*) *Vell. Paterc. ibid.*

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low'd with his Army; and ſtruck ſuch a Terrour into the whole Kingdom, that *Tigranes* was conſtrain'd in an humble manner to preſent himſelf to the General, and offer his Realm and Fortune to his diſpoſal. At this time the *Catilinarian* Conſpiracy broke out, more famous for the obſtinacy than the number of the Rebels; but this was immediately extinguiſh'd by the timely care of *Cicero*, and the happy valour of *Anthony*. The Senate, upon the News of the extraordinary Succeſs of *Pompey*, were under ſome apprehenſion of his affecting the Supreme Command at his return, and altering the Conſtitution of the Government. But when they ſaw him diſmiſs his vaſt Army at *Brunduſium*, and proceed in the reſt of his Journey to the City, with no other Company than his ordinary Attendants, they receiv'd him with all the Expreſſions of Complacency and Satisfaction, and honour'd him with a ſplendid Triumph. (*k*)

(*k*) *Vell. Paterc. ibid.*

CHAP. V.

Of the Roman *Affairs, from the beginning of the firſt* Triumvirate *to the end of the Twelve* Cæſars.

THE Three Perſons that at this time bore the greateſt Sway in the State, were, *Craſſus*, *Pompey*, and *Cæſar*. The firſt, by reaſon of his prodigious Wealth; *Pompey*, for his Power with the Soldiers and Senate, and *Cæſar*, for his admirable Eloquence, and a peculiar Nobleneſs of Spirit. When now taking advantage of the Conſulſhip of *Cæſar*, they entred into a ſolemn agreement to let nothing paſs in the Common-wealth without their joint Approbation. (*a*) By virtue of this Alliance, they had in a little time procur'd themſelves the Three beſt Provinces in the Empire, *Craſſus Aſia*, *Pompey Spain*, and *Cæſar Gaul*. *Pompey*, for the better retaining his Authority in the City, choſe to manage his Province by Deputies: (*b*) The other Two entred on their Governments in Perſon. But *Craſſus* ſoon after, in an Expedition he undertook againſt the *Parthians*, had the ill Fortune to loſe the greateſt part of his Army, and was himſelf treache-

(*a*) *Sueton.* in *Jul. Cæſ.* cap. 19. (*b*) *Paterc. lib.* 2. cap. 48.

rouſly

rouſly murder'd. (*a*) In the mean time *Cæſar* was performing Miracles in *Gaul*. No leſs than 40000 of the Enemy he had kill'd, and taken more Priſoners: And Nine Years together (which was the whole time of his Government) deſerv'd a Triumph for the Actions of every Campaigne. (*b*) The Senate, amaz'd at the ſtrange Relation of his Victories, were eaſily incln'd to ſuſpect his Power: So that taking the opportunity when he petition'd for a ſecond Conſulſhip, they order'd him to disband his Army, and appear as a private Perſon at the Election. (*c*) *Cæſar* endeavour'd by all means to come to an accommodation: But finding the Senate violently averſe to his Intereſt, and reſolv'd to hear nothing but what they firſt propos'd, (*d*) he was conſtrain'd to march towards *Italy* with his Troops, to trerrifie or force them into a compliance. Upon the News of his Approach, the Senate, with the greateſt part of the Nobility, paſſing over into *Greece*, he entred the City without oppoſition; and creating himſelf Conſul and Dictator, haſted with his Army into *Spain*; where the Troops under *Pompey*'s Deputies were compell'd to ſubmit themſelves to his diſpoſal. With this Reinforcement he advanc'd toward *Macedonia*, where the Senate had got together a prodigious Army under the command of *Pompey*. In the firſt Engagement, he receiv'd a conſiderable Defeat. But the whole Power on both ſides being drawn up on the Plains of *Theſſaly*, after a long Diſpute the Victory fell to *Cæſar*, with the entire ruin of the adverſe Party. *Pompey* fled directly towards *Ægypt*, and *Cæſar* with his victorious Legions immediately follow'd. Hearing at his Arrival, that *Pompey* had been kill'd by order of King *Ptolemy*, he laid cloſe Siege to *Alexandria*, the capital City; and having made himſelf abſolute Maſter of the Kingdom, committed it to the care of *Cleopatra*, Siſter to the late King. (*e*) *Scipio* and *Juba*, he ſoon after overcame in *Africa*, and *Pompey*'s Two Sons in *Spain*. (*f*) And now being receiv'd at his return with the general Applauſe of the People and Senate, and honour'd with the glorious Titles of *Father of his Country*, and *Perpetual Dictator*, he was deſigning an Expedition into *Parthia*; when, after the Enjoyment of the Supreme Command no more than five Months, he was murder'd in the Senate-Houſe. (*g*) *Brutus* and *Caſſius*, with moſt of the other Conſpirators, being his particular Friends, and ſuch as he had oblig'd in the higheſt manner.

(*a*) *Plutarch.* in *Craſſo*. (*b*) *Paterc. lib.* 2. (*c*) *Ibid.* cap. 49. (*d*) *Ibid* cap. eod. (*e*) *Suet.* in *Jul. Caſ.* cap. 35. (*f*) *Ibid.* cap. eod. (*g*) *Paterc. lib.* 2. cap. 56.

A Civil War neceſſarily follow'd, in which the Senate, conſiſting for the moſt part of ſuch as had embrac'd the Faction of *Pompey*, declar'd in favour of the Aſſaſſinates, while *Mark Anthony* the Conſul, undertook the Revenge of *Cæſar*. With this Pretence he exercis'd all manner of Tyranny in the City, and had no other deſign but to ſecure the chief Command to himſelf. At laſt the Senate were oblig'd to declare him an Enemy to the State; and in purſuance to their Edict, rais'd an Army to oppoſe him under the command of *Hirtius* and *Panſa* the new Conſuls, and *Octavius*, Nephew and Heir to *Cæſar*. (*a*) In the firſt Engagement *Anthony* was defeated; but *Hirtius* being kill'd in the Fight, and *Panſa* dying immediately after, the ſole command of the Army came into the Hands of *Octavius*. (*b*) The Senate, before the late Victory, had expreſs'd an extraordinary kindneſs for him, and honour'd him with ſeveral marks of their particular Eſteem: But now being freed from the danger they apprehended from *Anthony*, they ſoon alter'd their Meaſures; and taking little notice of him any longer, decreed the Two Heads of the late Conſpiracy, *Brutus* and *Caſſius*, the Two Provinces of *Syria* and *Macedonia*, whither they had retir'd upon commiſſion of the Fact. (*c*) *Octavius* was very ſenſible of their deſigns, and thereupon was eaſily induced to conclude a Peace with *Anthony*: And ſoon after entring into an Aſſociation with him and *Lepidus*, as his Uncle had done with *Craſſus* and *Pompey*, he return'd to *Rome*, and was elected Conſul when under Twenty Years of Age. (*d*) And now, by the Power of him and his Two Aſſociates, the old Senate was for the moſt part baniſh'd; and a Law perferr'd by his Colleague *Pedius*, That all who had been concern'd in the Death of *Cæſar* ſhould be proclaim'd Enemies to the Common-wealth, and proceeded againſt with all Extremity. (*e*) To put this Order in Execution, *Octavius* and *Anthony* advanc'd with the Forces under their Command toward *Macedonia*, where *Brutus* and *Caſſius* had got together a numerous Army to oppoſe them, both Parties meeting near the City *Philippi*, the Traytors were defeated, and the Two Commanders died ſoon after by their own Hands. (*f*) And now for Ten Years, all Affairs were manag'd by the *Triumviri*, when *Lepidus*, ſetting up for himſelf in *Sicily*, was contented, upon the arrival of *Octavius*, to compound for his Life, with the diſhonourable Reſignation of his Share in the Government. (*g*) The Friendſhip of *Octavius* and *Anthony*, was not of much longer

(*a*) *Paterc. lib.* 2. cap. 61. (*b*) *Suet.* in *Auguſt.* cap. 11. (*c*) *Florus, lib* 4. cap. 7. (*d*) *Paterc. lib.* 2. cap. 65. (*e*) *Ibid.* (*f*) *Florus, lib.* 2. cap. 7. (*g*) *Paterc. lib.* 2. cap. 80.

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continuance: For the latter, being for ſeveral Enormities declared an Enemy to the State, was finally routed in a Sea-Engagement at *Actium*; and flying thence with his Miſtreſs *Cleopatra*, kill'd himſelf ſoon after, and left the ſole command in the Hands of *Octavius*. He by his Prudence aud Moderation, gain'd ſuch an entire Intereſt in the Senate and People, that when he offer'd to lay down all the Authority he was inveſted with above the reſt; and to reſtore the Common-wealth to the ancient Conſtitution, they unanimouſly agreed in this Opinion, That their Liberty was ſooner to be parted with, than ſo excellent a Prince. However, to avoid all offence, he rejected the very Names he thought might be diſpleaſing, and above all things, the Quality of a *Dictator*, which had been ſo odious in *Sylla* and *Cæſar*. By this means he was the Founder of that Government with continu'd ever after in *Rome*. The new Acquiſitions to the Empire, were in his time very conſiderable: *Cantabria*, *Aquitania*, *Pannonia*, *Dalmatia*, and *Illyricum*, being wholly ſubdued: The, *Germans* were driven beyond the River *Albis*, and Two of their Nations, the *Suevi* and *Sicambri*, tranſplanted into *Gaul*. (*a*)

Tiberius, tho' in *Auguſtus* his time, he had given proofs of an extraordinary Courage in the *German* War; (*b*) yet upon his own Acceſſion to the Crown, is memorable for no Exploit but the reducing of *Cappadocia* into a *Roman* Province; (*c*) and this was owing more to his Cunning than his Valour. And at laſt, upon his infamous retirement into the Iſland *Capreæ*, he grew ſo ſtrangely negligent of the Publick Affairs, as to ſend no Lieutenants for the Government of *Spain* and *Syria* for ſeveral Years: To let *Armenia* be over-run by the *Parthians*; *Mœſia* by the *Dacians*; the *Sarmatians*, and almoſt all *Gaul*, by the *Germans*, to the extreme Danger, as well as Diſhonour, of the Empire. (*d*) *Caligula*, as he far exceeded his Predeceſſor in all manner of Debauchery, ſo in relation to Martial Affairs, was much his Inferiour. However, he is famous for a Mock-Expedition that he made againſt the *Germans*; when arriving in that part of the Low Countries, oppoſite to *Britain*, and receiving into his Protection a fugitive Prince of the Iſland, he ſent glorious Letters to the Senate, giving an account of the happy Conqueſt of the whole Kingdom. (*e*) And ſoon after, making his Soldiers fill their Helmets with Cockle-ſhells and Pebbles. which he call'd, *The Spoils of the Ocean*, (*f*) return'd to the City to demand a Triunph. (*g*) And when that Honour

(*a*) *Sueton.* in *Auguſt.* c. 21. (*b*) *Vid. Paterc. lib.* 2. cap. 106, &c. (*c*) *Eutrop. lib lib.* 7. (*d*) *Sueton.* in *Tib.* cap. 41. (*e*) *Suet* in *Tib.* cap. 41. (*f*) *Idem.* cap. 46.

was denied him by the Senate, he broke out into ſuch extravagant Cruelties, that he even compell'd them to cut him off for the ſecurity of their own Perſons. (*a*) Nay he was ſo far from entertaining any deſire of benefitting the Publick, that he often complain'd of his ill Fortune, becauſe no ſignal Calamity happen'd in his time, and made it his conſtant wiſh, That either the utter deſtruction of an Army, or ſome Plague, Famine, Earthquake, or other extraordinary Deſolation might continue the Memory of his Reign to ſucceeding Ages. (*b*)

Caligula being taken off, the Senate aſſembled in the Capitol, to debate about the extinguiſhing the Name and Family of the *Cæſars*, and reſtoring the Common-wealth to the old Conſtitution. (*c*) When one of the Soldiers that were ranſacking the Palace, lighting caſually upon *Claudius*, Uncle to the late Emperour, where he had hid himſelf in a Corner behind the Hangings, pull'd him out to the reſt of his Gang, and recommended him as the fitteſt Perſon in the World to be Emperour. All were ſtrangely pleas'd at the Motion; and taking him along with them by force, lodg'd him among the Guards. (*d*) The Senate, upon the firſt Information, ſent immediately to ſtop their Proceedings: But not agreeing among themſelves, and hearing the Multitude call out for one Governour, they were at laſt conſtrain'd to confirm the Election of the Soldiers; eſpecially ſince they had pitch'd upon ſuch an eaſie Prince as would be wholly at their command and diſpoſal. (*e*) The Conqueſt of *Britain* was the moſt memorable in his time, owing partly to an Expedition that he made in Perſon, but chiefly to the Valour of his Lieutenants, *Oſtorius Scapula*, *Aulus Plautius*, and *Veſpaſian*. The bounds of the Empire were in his Reign as followeth; *Meſopotamia* in the Eaſt, *Rhine* and *Danube* in the *North*, *Mauritania* in the *South*, and *Britain* in the Weſt. (*f*)

The *Roman* Arms cannot be ſuppos'd to have made any conſiderable Progreſs under *Nero*; eſpecially when *Sueton ius* tells us, he neither hoped nor deſir'd the Enlargement of the Empire. (*g*) However, Two Countries were in his time reduc'd into *Roman* Provinces; The Kingdom of *Pontus*, and the *Cottian Alpes*, or that part of the Mountains which divides *Dauphiné* aud *Piedmont*. *Britain*, and *Armenia* were once both loſt, (*h*) and not

(*a*) *Idem*, cap. 47. (*b*) *Idem*, cap. 49. & 56. (*c*) *Idem*, c. 31. (*d*) *Idem*, c. 60. (*e*) *Idem*, in *Claud.* c. 10. (*f*) *Aurelius Victor* de *Cæſaribus* in *Caligula*. (*g*) *Aurelius Victor* de *Cæſaribus* in *Claud.* (*h*) *Sueton.* in *Nerone*, cap. 18. (*i*) *Idem*, cap. 40.

without

without great difficulty recover'd. And indeed, his averſeneſs to the Camp made him far more odious to the Soldiers, than all his other Vices to the People: So that when the Citizens had the Patience to endure him for Fourteen Years, the Army under *Galba*, his Lieutenant in *Spain*, were conſtrain'd to undertake his removal.

Galba is ackowledg'd on all hands for the great Reformer of Martial Diſcipline; and tho' before his Acceſſion to the Empire, he had been famous for his Exploits in *Germany* and other Parts; (*a*) yet the ſhortneſs of his Reign hindred him from making any advancements afterwards. His Age and Severity were the only cauſes of his Ruin: The firſt of which rendred him contemptible, and the other odious. And the Remedy he us'd to appeaſe the Diſſatisfactions, did but ripen them for Revenge. For immediately upon his adopting *Piſo*, by which he hop'd to have pacified the People, *Otho*, who had ever expected that Honour, and was now enrag'd at his Diſappointment, (*b*) upon Application made to the Soldiers, eaſily procur'd the Murder of the old Prince and his adopted Son; and by that means was himſelf advanc'd to the Imperial Dignity.

About the ſame time, the *German* Army under *Vitellius*, having an equal Averſion to the old Emperour with thoſe at *Rome*, had ſworn Allegiance to their own Commander. *Otho*, upon the firſt notice of their Deſigns, had ſent to proffer *Vitellius* an equal ſhare in the Government with himſelf. (*c*) But all Propoſals for an Accommodation being refus'd, and himſelf compell'd, as it were, to march againſt the Forces that were ſent towards *Italy*, he had the good Fortune to defeat them in Three ſmall Engagements. But having been worſted in a greater Fight at *Bebriacum*, tho' he had ſtill ſufficient ſtrength for carrying on the War, and expected daily a Reinforcement from ſeveral Parts; (*d*) yet he could not, by all the Arguments in the World, be prevail'd with to hazard another Battel; but to end the Contention, kill'd himſelf with his own Hands. On this account Hiſtorians, tho' they repreſent his Life as the moſt exact Picture of unmanly Softneſs; yet they generally confeſs his Death equal to the nobleſt of Antiquity; and the ſame Author (*e*) that has given him the laſting Title of *Mollis Otho*, hath yet ſet him in Competition with the famous *Cato*, in reference to the laſt Action of his Life.

(*a*) *Sueton.* in *Galb.* cap. 8. (*b*) *Idem*, cap. 17. (*c*) *Sueton.* in *Othon.* cap. 8. (*d*) *Ibid.* cap. 9. (*e*) *Martial.*

It has been obſerv'd of *Vitellius*, that he obtain'd the Empire by the ſole Valour of his Lieutenants, and loſt it purely on his own account. His extreme Luxury and Cruelty were for this Reaſon the more deteſtable, becauſe he had been advanc'd to that Dignity, under the notion of the Patron of his Country, and the Reſtorer of the Rights and Liberties of the People. Within eight Months time, the Provincial Armies had unanimouſly agreed on *Veſpaſian* (*a*) for their Emperour; and the Tyrant, after he had been ſtrangely mangled by the extreme Fury of the Soldiers and Rabble, was at laſt dragg'd into the River *Tiber*. (*b*)

The Republick was ſo far from making any advancement under the diſturbances of the Three laſt Reigns, that ſhe muſt neceſſarily have felt the fatal Conſeqences of them, had ſhe not been ſeaſonably reliev'd by the happy management of *Veſpaſian*. 'Twas an handſome turn of ſome of his Friends, when, by order of *Caligula*, his Boſom had, by way of Puniſhment, been ſtuff'd with Dirt; to put this Interpretation on the Accident, that the Common-wealth being miſerably abus'd, and even *trodden under foot*, ſhould hereafter *fly to his Boſom* for Protection. (*c*) And indeed, he ſeems to have made it his whole Care and Deſign to reform the Abuſes of the City and State, occaſion'd by the licentiouſneſs of the late times. Nine Provinces he added to the Empire, (*d*) and was ſo very exact in all circumſtances of his Life and Conduct, that one who has examin'd them both with all the niceneſs imaginable, can find nothing in either that deſerves reprehenſion, except an immoderate deſire of Riches. (*e*) And he covertly excuſes him for this, by extolling at the ſame time his extraordinary Magnificence and Liberality. (*f*)

But perhaps he did not more oblige the World by his own Reign, than by leaving ſo admirable a Succeſſor as his Son *Titus*; the only Prince in the World that has the Character of never doing an ill Action. He had given ſufficient proof of his Courage in the famous Siege of *Jeruſalem*, and might have met with as good Succeſs in other parts, had he not been prevented by an untimely death, to the univerſal grief of Mankind.

But then *Domitian* ſo far degenerated from the Two excellent Examples of his Father and Brother, as to ſeem more emu-

(*a*) *Sueton.* in *Vitel.* cap. 15. (*b*) *Id. ibid.* cap. 17. (*c*) *Sueton.* in *Veſpaſ.* cap. 5. (*d*) *Eutrop. lib* 7. (*e*) *Id. ibid.* cap. 16. (*f*) *Id. ibid.* cap. 17, 18.

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lous of copying *Nero* or *Caligula.* However, as to Martial Affairs, he was as happy as moſt of his Predeceſſors; having, in Four Expeditions, ſubdued the *Catti*, *Daci*, and the *Sarmatians*, and extinguiſh'd a Civil war in the firſt beginning (*a*) By this means he had ſo entirely gain'd the Affections of the Soldiers, that when we meet with his neareſt Relations, and even his very Wife engag'd in his Murder, (*b*) yet we find the Army ſo extremely diſſatisfied, as to have wanted only á Leader to revenge his Death. (*c*)

(*a*) *Sueton.* in *Domit.* cap. 6. (*b*) *Id. ibid.* cap. 14. (*c*) *Id. ibid.* cap. 23.

CHAP. VI.

Of the Roman *Affairs from* Domitian *to the end of* Conſtantine *the Great.*

THE Two following Emperours have been deſervedly ſtyled The Reſtorers of the *Roman* Grandeur; which, by reaſon of the Viciouſneſs, or Negligence of the former Princes, had been extremely impair'd.

Nerva, tho' a Perſon of extraordinary Courage and Verthe, yet did not enjoy the Empire long enough to be on any other account ſo memorable, as for ſubſtituting ſo admirable a Succeſſor in his room as *Trajan.*

'Twas he, that for the Happineſs which attended his Undertakings, and for his juſt and regular Adminiſtration of the Government, has been ſet in Competition even with *Romulus* himſelf. 'Twas he that advanc'd the Bounds of the Empire farther than all his Predeceſſors; reducing into *Roman* Provinces the Five vaſt Countries of *Dacia*, *Aſſyria*, *Armenia*, *Meſopotamia*, and *Arabia* (*a*). And yet his prudent management in Peace, has been generally preferr'd to his Exploits in War. His Juſtice, Candour, and Liberality, having gain'd him ſuch an univerſal Eſteem and Veneratition, that he was even Deified before his Death.

(*a*) *Eutrop. lib.* 8.

Adrian's Character has generally more of the Scholar than the Soldier: Upon which account, as much as out of Envy to his Predeceſſor, he ſlighted Three of the Provinces that had been taken in by *Trajan*, and was contented to fix the Bounds of the Empire at the River *Euphrates*. (*a*) But perhaps he is the firſt of the *Roman* Emperours that ever took a Circuit round his Dominions, as we are aſſur'd he did. (*b*)

Antoninus Pius ſtudied more the defence of the Empire, than the Enlargement of it. However, his admirable Prudence, and ſtrict Reformation of Manners, rendred him perhaps as ſerviceable to the Common-wealth as the greateſt Conquerours.

The Two *Antonini*, *Marcus* and *Lucius*, were they that made the firſt Diviſion of the Empire. They are both famous for a ſucceſsful Expedition againſt the *Parthians*: And the former, who was the longeſt Liver, is eſpecially remarkable for his extraordinary Learning, and ſtrict Profeſſion of *Stoiciſm*; whence he has obtain'd the Name of *The Philoſopher*.

Commodus was as noted for all manner of Extravagancies, as his Father had been for the contrary Vertues; and after a very ſhort Enjoyment of the Empire, was murder'd by one of his Miſtreſſes. (*c*)

Pertinax too was immediately cut off by the Soldiers, who found him a more rigid Exactor of Diſcipline than they had been lately us'd to. And now claiming to themſelves the Privilege of chuſing an Emperour, they fairly expos'd the Dignity to ſale. (*d*)

Didius Julian was the higheſt Bidder, and was thereupon inveſted with the Honour. But, as he only expos'd himſelf to Ridicule by ſuch a mad Project, ſo he was in an inſtant made away with, in hopes of another Bargain. *Zoſimus* makes him no better than a ſort of an Emperour in a Dream. (*e*)

But the *Roman* Valour and Diſcipline were in a great Meaſure reſtor'd by *Severus*. Beſides a famous Victory over the *Parthians*, the old Enemies of *Rome*, he ſubdu'd the greateſt part of *Perſia* and *Arabia*, and marching into this Iſland, *Britain*, deliver'd the poor Natives from the miſerable Tyranny of the *Scots* and *Picts*; which an excellent Hiſtorian (*f*) calls the greateſt Honour of his Reign.

Antoninus Caracalla had as much of a martial Spirit in him as his Father, but died before he could deſign any thing memora-

(*a*) *Eutrop. lib.* 8. (*b*) *Id. ibid.* (*c*) *Zoſimus*, Hiſt. *lib.* 1. (*d*) *Ibid.* (*e*) *Ibid.*
(*f*) *Ælius Spartian.* in *Sever.*

ble, except an Expedition againſt the *Parthians*, which he had juſt undertaken.

Opilius Macrinus, and his Son *Diadumen* had made very little noiſe in the World, when they were cut off without much diſturbance, to make room for *Heliogabalus*, Son of the late Emperour.

If he was extremely pernicious to the Empire by his extravagant Debaucheries, his Succeſſor *Alexander Severus* was as ſerviceable to the State, in reſtoring Juſtice and Diſcipline. His nobleſt Exploit, was an Expedition againſt the *Perſians*, in which he overcame their famous King *Xerxes*. (*a*)

Maximin, the firſt that from a common Soldier aſpir'd to the Empire, was ſoon taken off by *Pupienus*, and he, with his Collegue *Balbinus*, quickly follow'd, leaving the ſupreme command to *Gordian*, a Prince of great Valour and Fortune, and who might probably have extinguiſh'd the very Name of the *Perſians*, (*b*) had he not been treacherouſly murder'd by *Philip*, who within a very little time ſuffer'd the like Fortune himſelf.

Decius in the former part of his Reign had been very ſucceſsful againſt the *Scythians* and other barbarous Nations; but was at laſt kill'd, together with his Son, in an unfortunate Engagement. (*c*)

But then *Gallus* not only ſtruck up a ſhameful League with the *Barbarians*, but ſuffer'd them to over-run all *Thrace*, *Theſſaly* *Macedon*, *Greece*, (*d*) &c.

They were juſt threatning *Italy*, when his Succeſſor *Æmylian* chas'd them off with a prodigious Slaughter: And upon his Promotion to the Empire, promis'd the Senate to recover all the *Roman* Territories that had been entirely loſt, and to clear thoſe that were over-run: (*e*) But he was prevented after Three Months Reign, by the common Fate of the Emperours of that time.

After him *Valerian* was ſo unfortunate as to loſe the greateſt part of his Army in an Expedition againſt the *Perſians*, and to be kept Priſoner himſelf in that Country 'till the time of his Death. (*f*)

Upon the taking of *Valerian* by the *Perſians*, the Management of Affairs was committed to his Son *Gallienus*; a Prince ſo extremely negligent and vicious, as to become the equal Scorn and Con-

(*a*) *Eutrop. lib.* 8. (*b*) *Pompon. Lætus*, in *Gordian.* (*c*) *Idem*, in *Decio.* (*d*) *Idem*, in *Gallo.* (*e*) *Idem*, *ibid.* (*f*) *Idem*, in *Valeriano.*

tempt of both Sexes: (*a*) The looſneſs of his Government gave occaſion to the Uſurpation of the Thirty Tyrants, of whom ſome indeed, truly deſerv'd that Name; others were Perſons of great Courage and Vertue, and very ſerviceable to the Commonwealth. (*b*) In his time the *Almaigns*, after they had waſted all *Gaul*, broke into *Italy*. *Dacia*, which had been gain'd by *Trajan*, was entirely loſt; all *Greece*, *Macedon*, *Pontus*, and *Aſia*, over-run by the *Goths*. The *Germans* too had proceeded as far as *Spain*, and taken the famous City *Tarraco*, now *Tarragona* in *Catalonia*. (*c*)

This deſperate ſtate of Affairs was in ſome meaſure redreſs'd by the happy Conduct of *Claudius*, who, in leſs than two Years time, routed near Three hundred thouſand *Barbarians*, and put an entire end to the *Gothick* War: Nor were his other Accompliſhments inferiour to his Valour; an elegant Hiſtorian (*d*) having found in him the Vertue of *Trajan*, the Piety of *Antoninus*, and the Moderation of *Auguſtus*.

Quintillus was in all reſpects comparable to his Brother; whom he Succeeded not on account of his Relation, but his Merits. (*e*) But reigning only ſeventeen Days, 'tis impoſſible he could do any thing more than raiſe an Expectation in the World.

If any of the *Barbarians* were left within the Bounds of the Empire by *Claudius*, *Aurelian* entirely chas'd them out. In one ſingle War, he is reported to have kill'd a Thouſand of the *Sarmatians* with his own Hands: (*f*) But his nobleſt Exploit was, the conquering the famous *Zenobia*, Queen of the Eaſt (as ſhe ſtyl'd herſelf) and the taking her capital City *Palmyra*. At his return to *Rome*, there was ſcarce any Nation in the World, out of which he had not a ſufficient number of Captives to grace his Triumph: The moſt conſiderable were the *Indians*, *Arabians*, *Goths*, *Franks*, *Suevians*, *Saracens*, *Vandals*, and *Germans*. (*g*)

Tacitus was contented to ſhew his Moderation and Juſtice, in the quiet Management of the Empire, without any hoſtile Deſign: Or had he expreſs'd any ſuch Inclinations, his ſhort Reign muſt neceſſarily have hindred their effect.

Probus, to the wiſe Government of his Predeceſſor, added the Valour and Conduct of a good Commander: 'Twas he that oblig'd the barbarous Nations to quit all their footing in *Gaul*, *Illyricum*, and ſeveral Provinces of the Empire; inſomuch, that the very *Parthians* ſent him flattering Letters, confeſſing the diſmal

(*a*) *Trebell. Pollio* in *Tyran.* (*b*) *Idem*, in *Gallieno.* (*c*) *Eutrop. lib.* 9. (*d*) *Trebell. Pollio* in *Claudio.* (*e*) *Ibid.* (*f*) *Flavius Vopiſc.* in *Aureliano.* (*g*) *Ibid.*

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Apprehenſions they entertain'd of his Deſigns againſt their Country, and beſeeching him to favour them with a Peace. (*a*)

There was ſcarce any Enemy left to this Succeſſor *Carus*, except the *Perſians*; againſt whom he accordingly undertook an Expedition: But after two or three ſucceſsful Engagements, died with the Stroak of a Thunder-bolt. (*b*)

His two Sons, *Carinus* and *Numerian*, were of ſo oppoſite a *Genius*, that one is generally repreſented as the worſt, the other as the beſt, of Men. *Numerian* was ſoon treacherouſly murder'd by *Aper*; who, together with the other Emperour *Carinus*, in a very little time, gave way to the happy Fortune of *Diocleſian*, the moſt Succeſsful of the latter Emperours; ſo famous for his prodigious Exploits in *Ægypt*, *Perſia*, and *Armenia*, and a *Roman* Author (*c*) has not ſtuck to compare him with *Jupiter*, as he does his Son *Maximian* with *Hercules*.

Conſtantius Chlorus, and *Galerius*, were happier than moſt of their Predeceſſors, by dying, as they had for the Moſt part liv'd, in Peace.

Nor are *Severus* and *Maximinian* on any account very remarkable, except for leaving ſo admirable a Succeſſor, as the famous *CONSTANTINE*; who ridding himſelf of his Two Competitors, *Licinius* and *Maxentius*, advanc'd the Empire to its ancient Grandeur. His happy Wars, and wiſe Adminiſtration in Peace, have gain'd him the Surname of *The GREAT*, an Honour unknown to former Emperours: Yet in this reſpect, he is juſtly reputed unfortunate, That by removing the Imperial Seat from *Rome* to *Conſtantinople*, he gave occaſion to the utter Ruine of *Italy*.

(*a*) *Flavius Vopiſc.* in *Probo.* (*b*) *Idem*, in *Caro.* (*c*) *Pomponius Lætus* in vitâ ejus

CHAP.

CHAP. VII.

Of the Roman *Affairs from* Conſtantine *the Great, to the taking of* Rome *by* Odoacer, *and the Ruine of the Weſtern Empire.*

THO' the Three Sons of *Conſtantine* at firſt divided the Empire into Three diſtinct Principalities; yet it was afterwards reunited under the longeſt Survivor, *Conſtantius*. The Wars between him and *Magnentius*, as they prov'd fatal to the Tyrant; ſo were they extremely prejudicial to the whole State; which at this time, was involv'd in ſuch unhappy Difficulties, as to be very unable to bear ſo exceſſive a Loſs of Men, no leſs than 54000 being kill'd on both ſides. *(a)* And perhaps this was the chief reaſon of the ill ſucceſs, which conſtantly attended that Emperour, in the Eaſtern Wars: For the *Perſians* were all along his Superiours; and when at laſt a Peace was concluded, the Advantage of the Conditions laid on their ſide.

Julian, as he took effectual care for the ſecurity of the other Bounds of the Empire; ſo his Deſigns againſt the moſt formidable Enemies, the *Perſians*, had all appearance of Succeſs; but that he loſt his Life before they could be fully put in execution.

Jovian was no ſooner elected Emperour, but being under ſome apprehenſion of a Rival in the Weſt, he immediately ſtruck up a moſt diſhonourable Peace with the *Perſians*, at the Price of the famous City *Niſibis*, and all *Meſopotamia*. For which baſe Action, as he does not fail of an Invective from every Hiſtorian; ſo particularly *Ammianus Marcellinus* (*b*) and *Zoſimus*, have taken the pains to ſhew, that he was the firſt *Roman* Governour who reſign'd up the leaſt part of their Dominions upon any account.

Valentinian the Firſt, has generally the Character of an excellent Prince: But he ſeems to have been more ſtudious of obliging his Subjects, by an eaſie and quiet Government, than

(*a*) *Pompon. Lætus.* (*b*) *Lib.* 25.

deſirous

deſirous of acting any thing againſt the encroaching Enemies.

Gratian too, tho' a Prince of great Courage and Experience in War, was able to do no more than to ſettle the ſingle Province of *Gaul*: But he is extremely applauded by Hiſtorians, for taking ſuch extraordinary care in the buſineſs of a Succeſſor: For being very ſenſible how every Day produc'd worſe Effects in the Empire; and that the State, if not at the laſt Gaſp, yet was very nigh, beyond all hopes of recovery; he made it his whole ſtudy to find out a Perſon that ſhould, in all Reſpects, be capacitated for the noble Work of the Deliverance of his Country. The Man he pitch'd upon was *Theodoſius*, a Native of *Spain*; who, being now inveſted with the Command of the Eaſt, upon the death of *Gratian*, remain'd ſole Emperour. And, Indeed, in a great meaſure he anſwer'd the Expectation of the world, proving the moſt reſolute Defender of the Empire in its declining Age. But for his Collegue *Valentinian* the Second, he was cut off, without having done any thing that deſerves our Notice.

Under *Honorius*, things return'd to their former deſperate ſtate, the barbarous Nations getting ground on all ſides, and making every day ſome diminution in the Empire; 'till at laſt, *Alaric*, King of the *Goths*, waſting all *Italy*, proceeded to *Rome* it ſelf; and being contented to ſet a few Buildings on fire, and rifle the Treaſuries, retir'd with his Army *(a)*: So that this is rather a Disgrace, than a Diſtruction of the City. And *Nero* is ſuppos'd to have done more Miſchief when he ſet it on fire in jeſt, than it now ſuffer'd from the barbarous Conquerour.

Valentinian the Third, at his firſt Acceſſion to the Empire, gave great hopes of his proving the Author of a happy Revolution *(b)*; and he was very fortunate in the war againſt the famous *Attila* the *Hun*: But his Imprudence in putting to death his beſt Commander *Ætius*, haſtened very much the ruine of the *Roman* Cauſe, the barbarous Nations now carrying all before them, without any conſiderable oppoſition.

By this time, the State was given over as deſperate; and what Princes follow'd 'till the taking of the City by *Odoacer*, were only a company of miſerable, ſhort-liv'd Tyrants, remarkable for nothing but the Meanneſs of their Extraction, and the Poorneſs of their Government; ſo that Hiſtorians generally paſs them over in ſilence, or at moſt with the bare mention of their Names.

(*a*) *Paul. Diacon.* & *Pompon. Læt.* (*b*) *Pompon. Lat.*

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The beſt account of them we can meet with, is as follows: *Maximus*, who in order to his own Promotion, had procur'd the Murder of *Valentinian*, ſoon after compell'd his Widow *Eudoxia* to accept of him as a Husband; when the Empreſs, entertaining a mortal Hatred for him on many accounts, ſent to *Genſeric*, a famous King of the *Vandals*, and a Confederate of the late Emperour's, deſiring his aſſiſtance for the Deliverance of herſelf and the City, from the Uſurpation of the Tyrant. *Genſeric* eaſily obey'd; and landing with a prodigious Army in *Italy*, entred *Rome* without any oppoſition; where, contrary to his Oath and Promiſe, he ſeiz'd on all the Wealth, and carry'd it, with ſeveral thouſands of the Inhabitants, into *Africk* (*a*).

Avitus, the General in *Gaul*, was the next that took upon him the Name of Emperour, which he reſign'd within eight Months (*b*)

Majorianus ſucceeded; and after three Years, left the Honour to *Severus*, or *Severian*; who had the Happineſs, after four Years Reign, to die a natural Death (*c*).

After him, *Anthemius* was elected Emperour, who loſt his Life and Dignity, in a Rebellion of his Son-in-Law *Ricimer* (*d*) And then *Olybrius* was ſent from *Conſtantinople* too, with the ſame Authority; but died within ſeven Months (*e*).

Liarius, or *Glycerius*, who had been elected in his room by the Soldiers, was immediately almoſt depoſ'd by *Nepos*; and he himſelf quickly after by *Oreſtes* (*f*), who made his Son *Auguſtus*, or *Auguſtulus*, Emperour. And now *Odoacer*, King of the *Heruli*, with an innumerable multitude of the barbarous Nations, ravaging all *Italy*, approach'd to *Rome*; and entring the City without any reſiſtance, and depoſing *Auguſtulus*, ſecur'd the Imperial Dignity to himſelf, and tho' he was forc'd afterwards to give place to *Theodoric* the *Goth*, yet the *Romans* had never after, the leaſt Command in *Italy*.

(*a*) Paul. Diacon. & Evagrius Hiſt. Eccleſ. lib. 2. cap. 7. (*b*) Id. Ibid. (*c*) Paul. Diacon. lib. 16. (*d*) Ibid. (*e*) Ibid. (*f*) Iornandes de Regn. Succeſſ.

PART


Oriens
Castrum Prætorium
Viverium
Porta Numentana
Aqua Marcia Tepula et Iulia
Horti Salustij
Porta Salaria
Aqua Iulia
Via Collatina
Porta Pinciana
Circus Salustij
Horti Pinciani
Aqua Trigo
Circus Flore
Ther Diocletiani
Ther Olimpiadis
Ther Constantini
Sep. Neronis
Colles Ortulorum
Naumachia Domitiani
Mausoleo Augusti
Regio IX Circus Flaminius
Forum et Col Antoniani
Col Antonini
Mole Aelij Adriani
Circ Adriani
Horti Domitij
Aem. Sempronij
Triumphalis Porta Triumphalis
Pons Triumphalis
Curia Al Pompei
Theat N Pompei
Pons Sepulchri
Circ Neronis
Naumachia neronis
TIBER FLV
Porta Ianiculensis
Occidens
Amph Taur
Theat Aquin
Theat Marcelli
P. Aelius
Villa Publica
P. Sublicius
Naumachia Iul Cæs
Ther Aurelianj
Regio XIII Transiberim
P. Portuensis
Horti Maecenat
Ludus Dacicus
Arcus Gallieni
Arcus Titi
Arcus Constantini
Templum Pacis
Templum Veneris et Romæ
Templum Divi Iulij
Templum Divi Augusti
Templum Minervæ
Templum Iani
Templum Concordiæ
Templum Saturni
Templum Castorum
Templum Vespasiani
Templum Fortunæ
Templum Herculis
Templum Apollinis
Templum Vestæ
Templum Iunonis
Templum Iovis Capitolini
Templum Iovis Tonantis
Templum Iovis Victoris
Templum Iovis Custodis
Templum Iovis Feretrij
Templum Iovis Statoris
Templum Iovis Optimi Maximi
Templum Iovis Fulminatoris
Templum Iovis Propugnatoris
Templum Iovis Conservatoris
Templum Iovis Ultoris
Templum Iovis Victoris
Templum Iovis Custodis
Templum Iovis Feretrij
Templum Iovis Statoris
Templum Iovis Optimi Maximi
Templum Iovis Fulminatoris
Templum Iovis Propugnatoris
Templum Iovis Conservatoris
Templum Iovis Ultoris

ROMA ANTIQUA




Castrum Prætor
et Iulia
Porta Numentana
Aqua Ma
lia et Anio nov
Horti Sallustij
Porta Salaria
Via Collatina
Campana
Rgio VI
Thr Dio
Circus Sallustij
Porta Pinciana
Horti Pincij
T Flora
Circus Flore
Aqua Trop
Thr Constantini
Vallis Aggeria
Circ
Castrum
Sep. Neronis
Collis Ortulorum
Aqua
Sepulch Metelle
Naumachi Dominani
Meridies
Mausoleo Augusti
Rgio IX Circus Flaminius
Col. Antonini
M. Citor
Pantheon
Amph Tauri
Mole Aelij Adriani
Circ Adriani
Aug
Horti Domitij
P. Aelius
Villa Publica
Mon. Sempronij
Pons Triumphalis
Curia Al. Pompei
Theat Pompei
Triumphalis Porta Triumphalis
TIBER FLV
Pons Septimiana
Circ Neronis
Naumachia neronis
17. Thor Alexandrinu
18. Th. Neronianu et Adri
19 Fortu et T. Minerue
20. Curia Hostila
21 Basilica Al. Severi
22 Basil. Antonia
23 Pons Ianiculus
24 Pons Palatinus
25 Basil. Augusta
26 T. Mart. Victoris
27 Basil. Al. Severi
28 Pal. Augusti

PART II.

BOOK I.

Of the CITY.

CHAP I.

Of the Pomœrium, *and of the Form and Bigneſs of the* CITY, *according to the Seven Hills.*

BEFORE we come to pleaſe our ſelves with a particular View of the City, we muſt, by all means, take notice of the *Pomœrium*, for the Singularity of the Cuſtom to which it ow'd its Original. *Livy* defines the *Pomœrium*, in general, to be that ſpace of Ground both within and without the Walls; which the *Augurs*, at the firſt Building of Cities, ſolemnly conſecrated, and on which no Edifices were ſuffer'd to be rais'd. *(a)* But the account which *Plutarch* gives us of this matter, in reference to *Rome* it ſelf, is ſufficient to ſatisfye our Curioſity; and is deliver'd by him to this purpoſe: *Romulus* having ſent for ſome of the *Tuſcans*, to inſtruct him in the Ceremonies to be obſerv'd in laying the Foundations of his New City, the Work was begun in this manner:

Firſt, They dug a Trench, and threw into it the Firſt-Fruits of all Things, either good by Cuſtom, or neceſſary by Nature; and every Man taking a ſmall Turff of Earth of the Country from whence he came, they all caſt them in promiſcouſly together; mak-

(a) *Livy, lib.* 1.

ing

king this Trench their Center, they deſcrib'd the City in a Circle round it: Then the founder fitted to a Plough a brazen Ploughſhare; and yoaking together a Bull and a Cow, drew a deep Line, or Furrow, round the Bounds; thoſe that follow'd after, taking care that all the Clods fell inwards toward the City. They built the Wall upon this Line, which they call'd *Pomærium*, from *Pone Mœnia.*(*a*) Though the Phraſe of *Pomærium proferre* be commonly us'd in Authors, to ſignifie the enlarging of the City; yet 'tis certain, the City might be enlarg'd without that Ceremony. For *Tacitus* and *Gellius* declare, no Perſon to have had a right of extending the *Pamærium*, but ſuch an one, as had taken away ſome part of an Enemy's Country in War; whereas it's manifeſt, That ſeveral Great Men, who never obtain'd that Honour, increas'd the Buildings with conſiderable Additions.

'Tis remarkable, that the ſame Ceremony with which the Foundations of their Cities were at firſt laid, they us'd too in deſtroying and raiſing Places taken from the Enemy; which we find was begun by the Chief Commander's turning up ſome of the Walls with a Plough (*b*)

As to the Form and Bigneſs of the City, we muſt follow the common Direction of the ſeven Hills, whence came the Phraſe of *Urbs Septicollis*, and the like, ſo frequent with the Poets.

Of theſe, *Mons Palatinus* has ever had the Preference; whether ſo call'd from the people *Palantes*, or *Palatini*, or from the Bleating and Strolling of Cattel, in *Latin*, *Balare* and *Palare*; or from *Pales*, the Paſtoral Goddeſs; or from the Burying-Place of *Pallas*, we find diſputed, and undetermin'd among their Authors. 'Twas in this Place, that *Romulus* laid the foundations of the City, in a quadrangular Form; and here the ſame King and *Tullus Hoſtilius* kept their Courts as did afterwards *Auguſtus*, and all the ſucceeding Emperours; onwhich account, the word *Palatium* came to ſignifie a Royal Seat (*c*)

This Hill to the Eaſt has *Mons Cœlius*, to the South *Mons Aventinus*, to the Weſt *Mons Capitolinus*, to the north the *Forum* (*d*) In compaſs Twelve Hundred Paces (*e*).

Mons Tarpeius took its Name from *Tarpeia*, a *Roman* Virgin who betray'd the City to the *Sabines*, in this Place (*f*). It was call'd too *Mons Saturni* and *Saturnius*, in Honour of *Saturn*, who is reported to have liv'd here in his Retirement, and was ever reputed

(*a*) Plutarch, in Romul. (*b*) Dempſter Paralipom. to Roſin. lib. 1. cap. 3. (*c*) *Roſin.* Antiq. lib. 1. cap. 4. (*d*) *Fabricii Roma*, cap. 3. (*e*) *Marlian.* Topograph. Antiqu. *Romæ.* l. 1. cap. 1. (*f*) *Plutarch.* in *Romul.*

the

the Tutelar Deity of this Part of the City. It had afterwards the Denomination of *Capitolinus*, from the Head of a Man caſually found here in digging for the Foundations of the famous Temple of *Jupiter* (*a*), call'd *Capitolium*, for the ſame reaſon. This Hill was added to the City by *Titus Tatius*, King of the *Sabines*, when having been firſt overcome in the Field by *Romulus*, he and his Subjects were permitted to incorporate with the *Romans* (*b*). It has to the Eaſt, *Mons Palatinus*, and the *Forum*; to the South, the *Tiber*; to the Weſt, the level Part of the City; to the North, *Collis Quirinalis* (*c*).

in compaſs ſeven *Stadia*, or Furlongs (*d*).

Collis Quirinalis, was ſo call'd either from the Temple of *Quirinus*, another Name of *Romulus*; or, more probably from the *Curetes*, a People that remov'd hither with *Tatius* from *Cures*, a *Sabine* City (*e*). It afterwards chang'd its Name to *Caballus*, *Mons Caballi*, and *Caballinus*, from the two Marble-Horſes, with each a Man holding him, which are ſet up here. They are ſtill ſtanding; and if the Inſcription on the Pilaſters be true, were the Work of *Phidias* and *Praxiteles* (*f*) Made by thoſe Famous Maſters to repreſent *Alexander* the Great and his *Bucephalus*, and ſent to *Nero* for a Preſent by *Tiridates* King of *Armenia*. This Hill was added to the City by *Numa* (*g*)

To the Eaſt, it has *Mons Eſquilinus*, and *Mons Viminalis*; to the South, the *Forums* of *Cæſar* and *Nerva*; to the Weſt, the level Part of the City; to the North, *Collis Hortulorum*, and the *Campus Martius* (*h*).

In compaſs almoſt three Miles (*i*).

Mons Cœlius owes its Name to *Cœlius*, or *Cœles* a famous *Tuſcan* General, who pitch'd his Tents here, when he came to the aſſiſtance of *Romulus* againſt the *Sabines* (*k*). *Livy* (*l*) and *Dionyſius* (*m*) attribute the taking of it in, to *Tullus Hoſtilius*; but *Strabo* (*n*) to *Ancus Martius*. The other Names by which it was ſometimes known, were *Querculanus*, or *Quercetulanus*, and *Auguſtus*: The firſt occaſion'd by the abundance of Oaks growing there; the other impos'd by the Emperour *Tiberius*, when he had raiſ'd new Buildings upon it. after a Fire. (*o*)

One part of this Hill was call'd *Cœliolus*, and *Minor Cœlius*. (*p*)

(*a*) *Liv. lib.* 1. cap. 55. (*b*) *Dionyſius*. (*c*) *Fabricii Roma*. cap. 3. (*d*) *Marlian. lib.* 1. cap. 1. (*e*) *Sext. Pomp. Feſtus*. (*f*) *Fabricii Roma*, cap. 3. (*g*) *Dionyſ Halicarn. lib.* 2. (*h*) *Fabricii Roma*, cap. 3. (*i*) *Marlian. lib.* 1. cap. 1. (*k*) *Varro de Ling. Lat. lib.* 4. (*l*) *Lib.* 1 cap. 30. (*m*) *Lib.* 3. (*n*) *Geograph. lib.* 5. (*o*) *Tacit. Ann.* 4. *Suet.* in *Tib.* cap. 48. (*p*) *Fabricii Roma*. cap. 3.

To

To the East, it has the City-Walls; to the South, *Mons Aventinus*; to the West, *Mons Palatinus*; to the North, *Mons Eſquilinus*. (a) In compaſs about two Miles and a half. (b)

Mons Eſquilinus was anciently call'd *Ciſpius*, and *Oppius*; (c) the Name of *Eſquilinus* was varied, for the eaſier pronounciation from *Exquilinus*, a Corruption of *Excubinus*, *ab excubiis*, from the Watch that *Romulus* kept here. (d) It was taken in by *Servius Tullius*, (e) who had here his Royal Seat. (f) *Varro* will have the *Eſquiliæ* to be properly Two Mountains; (g) which Opinion has been ſince approv'd of by a curious Obſerver. (h)

To the East, it has the City-Walls; to the South the *Via Labicana*; to the West, the Valley lying between *Mons Cœlius* and *Mons Palatinus*; to the North, *Collis Viminalis*. (i) In Compaſs about four Miles. (k)

Mons Viminalis derives its Name from the * *Vimina*. * Oſiers that grow there in great Plenty. This Hill was taken in by *Servius Tullius*. (l)

To the East it has the *Campus Eſquilinus*; and to the South part of the *Suburra* and the *Forum*; to the West *Mons Quirinalis*; to the North, the *Vallis Quirinalis*. (m) In Compaſs Two Miles and an half. (n)

The Name of *Mons Aventinus* has given great Cauſe of Diſpute among the Criticks; ſome deriving the Word from *Aventinus* an *Alban* King; (o) ſome from the River *Avens*; (p) and others *Ab avibus*, from the Birds which us'd to fly hither in great Flocks from the *Tiber*. (q) It was call'd too *Murcius*, from *Murcia*, the Goddeſs of Sleep, who had here a *Sacellum*, or little Temple; (r) *Collis Dianæ*, from the Temple of *Diana*; (s) and *Remonius* from *Remus*, who would have had the City begun in this place, and was here buried. (t) *A. Gellius* affirms, (u) that this Hill being all along reputed Sacred, was never enclos'd within the Bounds of the City 'till the time of *Claudius*. But *Eutropius* (w) expreſly attributes the taking of it in to *Ancus Martius*; and an old Epigram inſerted by *Cuſpinian* in his Comment on *Caſſiodorus*, confirms the ſame.

To the East, it has the City-Walls; to the South, the *Campus Figulinus*; to the West the *Tiber*; to the North *Mons Palatinus*. (x)

(a) *ibid.* (b) *Marlian. lib.* 1. *cap.* 1. (c) *Fabricii Roma, cap.* 3. (d) *Vid. Propert. lib.* 2. *Eleg.* 8. (e) *Liv. lib.* 1. *cap.* 44. (f) *ibid.* (g) *de Ling. Latin lib.* 4. (h) *Marlian. lib.* 1. *cap.* 1. (i) *Fabricii Roma. cap.* 3. (k) *Marlian. lib.* 1. *cap.* 1. (l) *Dionyſ. lib.* 4. (m) *Fabricii Roma. cap.* 3. (n) *Marlian. lib.* 1. *cap.* 1. (o) *Varro de ling. Lat. lib.* 4. (p) *ibid.* (q) *ibid.* (r) *Sext. Pomp. Feſtus.* (s) *Martial.* (t) *Plutarch. in Romul.* (u) *lib.* 13. *cap.* 14. (w) *lib.* 1. (x) *Fabricii Roma. cap.* 3.

In

In Circuit eighteen *Stadia*, or Two Miles and a quarter. (*a*)

Beſides theſe Seven principal Hills, Three other of inferiour note were taken in in latter time.

Collis Hortulorum, or *Hortorum*, had its Name from the famous Gardens of *Salluſt* adjoining to it. (*b*) It was afterwards call'd *Pincius*. from the *Pincii*, a Noble Family who had here their Seat. (*c*) The Emperour *Aurelian* firſt enclos'd it within the City-Walls. (*d*)

To the Eaſt and South it has the plaineſt part of *Mons Quirinalis*; to the Weſt the *Vallis Martia*; to the North the walls of the City. (*e*)

In Compaſs about Eighteen *Stadia*. (*f*)

Janiculum, or *Janicularis*, was ſo call'd, either from an old Town of the ſame Name, ſaid to have been built by *Janus*:

Or, becauſe *Janus* dwelt and was buried here: (*g*)

* *Janua.* Or, becauſe 'twas a ſort of * *Gate* to the *Romans*, whence they iſſu'd out upon the *Tuſcans*. (*h*) The Sparkling Sands have at preſent given it the Name of *Mons aureus*, and by corruption *Montorius*. (*i*) We may make Two Obſervations about this Hill from one Epigram of *Martial*; That 'tis the fitteſt place to take one's Standing for a full Proſpect of the City; and that 'tis leſs inhabited than the other Parts, by reaſon of the groſſneſs of the Air. (*k*) It is ſtill famous for the Sepulchres of *Numa*, and *Statius* the Poets. (*l*)

To the Eaſt and South it has the *Tiber*; to the Weſt the Fields; to the North the *Vatican*. (*m*)

In circuit (as much of it as ſtands within the City-Walls) Five *Stadia*. (*n*)

Mons Vaticanus owes its Name to the Anſwers of the *Vates* or Prophets, that us'd to be given here; or from the God *Vaticanus* or *Vagitanus*. (*o*) It ſeems not to have been enclos'd within the Walls 'till the time of *Aurelian*.

This Hill was formerly famous for the Sepulchre of *Scipio Africanus*; ſome Remains of which are ſtill to be ſeen. (*p*) But it is more celebrated at preſent on the account of St. *Peter's* Church, the Pope's Palace, and the nobleſt Library in the World.

(*a*) *Marlian. lib.* 1. cap. 1. (*b*) *Roſin. lib.* 1. cap. 11. (*c*) *Ibid.* (*d*) *Ibid.* (*e*) *Fabricii Roma*, cap. 3. (*f*) *Marlian. lib.* 1. cap. 1. (*g*) *Roſin. lib.* 1. cap. 11. (*h*) *Feſtus.* (*i*) *Fabricii. Roma*, cap. 3. (*k*) *Martial. Epig. lib.* 4. *Ep.* 64. (*l*) *Fabricii. Rom. lib.* 1. cap. 3. (*m*) *Ibid.* (*n*) *Marlian. lib.* 1. cap. 1. (*o*) *Feſtus.* (*p*) *Wercup's* Hiſt. of *Italy*, Book 2.

To the Eaſt it has the *Campus Vaticanus*, and the River; to the South the *Janiculum*; to the Weſt the *Campus Figulinus*, or Potters Field; to the North the *Prata Quintia*. (*a*)

It lies in the ſhape of a Bow drawn up very high; the convex Part ſtretching almoſt a Mile. (*b*)

As to the extent of the whole City, the greateſt we meet with in Hiſtory, was in the Reign of *Valerian*, who enlarg'd the Walls to ſuch a Degree as to ſurround the ſpace of Fifty Miles. (*c*)

The number of Inhabitants in its flouriſhing State, *Lipſius* compures at Four Millions (*d*)

At preſent the compaſs of the City is not above Thirteen Miles. (*e*)

(*a*) *Fabricii Roma*, cap. 3. (*b*) *Marlian. lib.* 1. cap. 1. (*c*) *Vopiſc.* in *Aureliano.* (*d*) *De Magnitud. Roman.* (*e*) *Fabricii Romanæ* cap. 2.

CHAP. II.

Of the Diviſion of the City into Tribes *and* Regions: *And of the Gates and Bridges.*

ROMULUS divided his little City into Three *Tribes*; *and Servius Tullius* added a fourth; which diviſion continu'd 'till the time of *Auguſtus*. 'Twas he firſt appointed the Fourteen *Regions* or *Wards*: An Account of which, with the number of Temples, Baths, *&c.* In every Region, may be thus taken from the accurate *Panvinius*.

REGION I. *PORTA CAPENA.*

Streets 9.
Luci 3.
Temples 4.
Ædes 6.
Publick Baths 6.
Arches 4.
Barns 14.
Mills 12.
Great Houſes 121.

The whole Compaſs 13223 Feet.

REGION II. *COELIMONTIUM.*

Streets 12.
Luci 2.
Private Baths 80.
The Great Shambles.

Tem

Temples 5.
The Publick Baths of the City.
Barns 23.
Mills 23.
Great Houſes 133.
The Compaſs 13200 Feet.

REGION III. *ISIS* and *SERAPIS.*

Streets 8.
Temples 2.
The Amphitheatre of *Veſpaſian.*
The Baths of *Titus*, *Trajan*, and *Philip.*
Barns 29, or 19.
Mills 23.
Great Houſes 160.
The Compaſs 12450 Feet.

REGION IV. *VIA SACRA*, or *TEMPLUM PACIS.*

Streets 8.
Temples 10.
The *Coloſſus* of the Son 120 Foot high.
The Arches of *Titus*, *Severus*, and *Conſtantine.*
Private Baths 75.
Barns 18.
Mills 24.
Great Houſes 138.
The Compaſs 14000; or as ſome ſay, only 8000 Feet.

REGION V. *ESQUILINA.*

Streets 15.
Luci 8.
Temples 6.
Ædes 5.
Private Baths 75.
Barns 23.
Mills 22.
Great Houſes 180.
The Compaſs 15950 Feet.

REGION VI. *ACTA SEMITA.*

Streets 12 or 13.
Temples 15.
Portico's 2.
Circi 2.
Fora 2.
Private Baths 75.
Barns 19.
Mills 23.
Great Houſes 155.
The Compaſs 15600 Feet.

REGION VII. *VIA LATA.*

Streets 40.
Temples 4.
Private Baths 75.
Arches 3.
Mills 17.
Barns 25.
Great Houſes 120.

The Compaſs 23700 Feet.

REGION VIII. *FORUM ROMANUM.*

Streets 12.
Temples 21.
Private Baths 66.
Ædes 10.
Portico's 9.
Arches 4.
Fora 7.
Curiæ 4.
Baſilicæ 7.
Columns 6.
Barns 18.
Mills 30.
Great Houſes 150.

The Compaſs 14867 Feet.

REGION IX. *CIRCUS FLAMINIUS.*

Streets 30.
Temples 8.
Ædes 20.
Portico's 12.
Circi 2.
Theatres 4.
Baſilicæ 3.
Curiæ 2.
Thermæ 5.
Arches 2.
Columns 2.
Mills 32.
Barns 32.
Great Houſes 189.

The Compaſs 30560 Feet.

REGION X. *PALATIUM.*

Streets 7.
Temples 10.
Ædes 9.
Theatre 1.
Curiæ 4.
Private Baths 15.
Mills 12.
Barns 16.
Great Houſes 109.

The Compaſs 11600 Feet.

REGION XI *CIRCUS MAXIMUS.*

Streets 8. Barns 16.
Ædes 22. Mills 12.
Private Baths 15. Great Houſes 189.
The Compaſs 11600 Feet.

REGION XII. *PISCINA PUBLICA.*

Streets 12. Barns 28.
Ædes 2. Mills 25.
Private Baths 68. Great Houſes 128.
The Compaſs 12000 Feet.

REGION XIII. *AVENTINUS.*

Streets 17. Barns 36.
Luci 6. Mills 30.
Temples 6. Great Houſes 155.
Private Baths 74.
The Compaſs 16300 Feet.

REGION XIV. *TRANSTIBERINA.*

Streets 23. Barns 20.
Ædes 6, Mills 32.
Private Baths 136. Great Houſes 150.
The Compaſs 33409 Feet.

As to the Gates, *Romulus* built only Three, or (as ſome will have it) Four at moſt. But as Buildings were enlarg'd, the Gates were accordingly multiplied; ſo that *Pliny* tells us there were Thirty four in his time.

The moſt remarkable were,

Porta Flumentana, ſo call'd, becauſe it ſtood near the River.

Porta Flaminia, owing its Name to the *Flaminian* Way, which begins there.

Porta Carmentalis, built by *Romulus*, and ſo call'd from *Carmenta*, the Propheteſs, Mother of *Evander*.

Porta Nævia, which *Varro* derives *à nemoribus*, from the Woods which formerly ſtood near it.

Porta Saliana, deriving its Name from the Salt which the *Sabines* us'd to bring in at that Gate from the Sea. to ſupply the City.

Porta Capena, call'd ſo from *Capena*, an old City of *Italy*, to which the way laid through this Gate. It is ſometimes call'd *Appia*, from *Appius* the Cenſor; and *Triumphalis*, from the Triumphs in which the Proceſſion commonly paſs'd under here; and *Fontinalis*, from the *Aquæducts* which were rais'd over it: Whence *Juvenal* calls it, *Madida Capena*; and *Martial*, *Capena, grandi Porta quæ pluit guttâ.*

The *Tiber* was paſs'd over by Eight Bridges; the Names of which are thus ſet down by *Marlian*; *Milvius*, *Ælius*, *Vaticanus*, *Janiculenſis*, *Ceſtius*, *Fabricius*, *Palatinus*, and *Sublicius*.

CHAP. III.

Of the Places of Worſhip; particularly of the Temples and Luci.

BEFORE we proceed to take a view of the moſt remarkable places ſet a-part for the Celebration of Divine Service, it may be proper to make a ſhort Obſervation about the general Names, under which we meet with them in Authors.

Templum (then) was a place which had not been only dedicated to ſome Deity, but with all formally Conſecrated by the *Augurs*.

Ædes Sacræ, were ſuch as wanted that Conſecration; which if they afterwards receiv'd, they chang'd their Names to Temples.

Delubrum, according to *Servius*, was a place that under one Roof comprehended ſeveral Deities.

Ædicula is only a diminutive, and ſignifies no more than a little *Ædes*.

Sacellum may be deriv'd the ſame way from *Ædes Sacra*. *Feſtus* tells us, 'tis a place ſacred to the Gods, without a Roof.

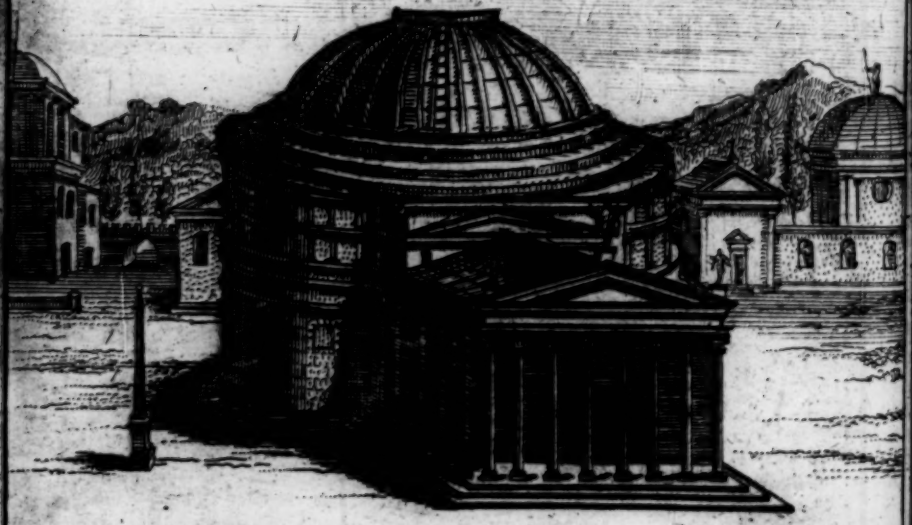
'Twere endleſs to reckon up but the bare Names of all the Temples we meet with in Authors. The moſt celebrated on all accounts were, the *Capitol* and the *Pantheon*.

The

CAPITOLIUM.



Templ: PANTHEON *vulgo* Rotunda.



The *Capitol*, or Temple of *Jupiter Capitolinus* was the effect of a Vow made by *Tarquinius Priſcus* in the *Sabine* War. (*a*) But he had ſcarce laid the Foundations before his Death. His Nephew, *Tarquin the Proud*, finiſh'd it with the Spoil taken from the neighbouring Nations. (*b*) But upon the expulſion of the Kings, the Conſecration was perform'd by *Horatius* the Conſul. (*c*) The Structure ſtood on a high Ridge, taking in Four Acres of Ground. The Front was adorn'd with Three Rows of Pillars, the other ſides with Two. (*d*) The Aſcent from the Ground was by an hundred Steps. (*e*) The prodigious Gifts and Ornaments, with which it was at ſeveral times endow'd, almoſt exceed belief. *Suetonius* (*f*) tells us, that *Auguſtus* gave at one time Two thouſand pound weight of Gold: And in Jewels and precious Stones, to the value of Five hundred Seſterces. *Livy* and *Pliny* (*g*) ſurprize us with Accounts of the brazen Threſholds, the noble Pillars that *Sylla* remov'd hither from *Athens* out of the Temple of *Jupiter Olympius*; the guilded Roof, the gilded Shields, and thoſe of ſolid Silver; the huge Veſſels of Silver, holding Three Meaſures; the Golden Chariot, *&c.* This Temple was firſt conſum'd by fire in the *Marian* War, and then rebuilt by *Sylla*; who dying before the Dedication, left that Honour to *Quintus Catulus*. This too was demoliſhed in the *Vitellian* Sedition. *Veſpaſian* undertook a Third, which was burnt down about the time of his Death. *Domitian* rais'd the laſt and moſt glorious of all; in which the very Gilding amounted to Twelve thouſand Talents. (*h*) On which Account *Plutarch* (*i*) has obſerved of that Emperour, that he was like *Midas*, deſirous of turning every thing into Gold. There are very little remains of it at preſent; yet enough to make a *Chriſtian* Church. (*k*)

The *Pantheon* was built by *Marcus Agrippa*, Son-in-Law to *Auguſtus Cæſar*; and dedicated either to *Jupiter Ultor*, or to *Mars* and *Venus*, or more probably, to all the Gods in general, as the very Name (quaſi Τῶν πάντων Θεῶν) implies. The Structure, according to *Fabricius* (*l*) is an Hundred and forty Foot high, and about the ſame breadth. But a later Author has encreas'd the number of Feet to an Hundred fifty eight. The Roof is curiouſly vaulted, void places being left here and there for the greater ſtrength. The Rafters were Pieces of Braſs of For-

(*a*) *Liv. lib.* 1. (*b*) *Ibid.* (*c*) *Plutarch.* in *Poplicol.* (*d*) *Dionyſ. Halicar.* (*e*) *Tacitus.* (*f*) In *Auguſt.* cap. 30. (*g*) *Liv. lib.* 10, 35 38. *Pliny, lib.* 33, &c. (*h*) *Plutarch.* in *Poplicola.* (*i*) *Ibid.* (*k*) *Fabric. Roma*, cap. 9. (*l*) *Ibid.*

ty Foot in length. There are no Windows in the whole Ædifice, only a round Hole at the top of the Roof, which ſerves very well for the admiſſion of the Light. Diametrically under, is cut a curious Gutter to receive the Rain. The Walls on the inſide are either ſolid Marble, or incruſted. (*a*) The front on the out ſide was cover'd with brazen Plates gilt, the top with ſilver-Plates, which are now chang'd to Lead. (*b*) The Gates were Braſs, of extraordinary Work and Bigneſs. (*c*)

The Temple is ſtill ſtanding with little alteration, beſides the loſs of the old Ornaments, being converted into a *Chriſtian Church* by Pope *Boniface* III. (or, as *Polydore Virgil* (*d*) has it, by *Boniface* IV.) Dedicated to St. *Mary*, and all Saints, tho' the general Name be St. *Mary de Rotonda*. (*e*) The moſt remarkable difference is, that whereas heretofore they aſcended by twelve Steps, they now go down as many to the Entrance. (*f*)

The Ceremony of the Conſecration of Temples (a piece of Superſtition very well worth our notice) we can't better apprehend, than by the following account which *Tacitus* gives us of that Solemnity, in reference to the *Capitol*, when repair'd by *Veſpaſian*: Tho' perhaps the chief Rites were celebrated upon the entire raiſing of the Structure, this being probably intended only for the hallowing the Floor. *Undecimo Kalendas Julias*, (*g*) &c.

'Upon the 21ſt. of *June*, being a very clear Day, the whole 'Plot of Ground deſign'd for the Temple, was bound about with 'Fillets and Garlands. Such of the Soldiers as had lucky 'Names, entred firſt with Boughs in their Hands, taken from 'thoſe Trees which the Gods more eſpecially delighted in. Next 'came the *Veſtal* Virgins, with Boys and Girls, whoſe Fathers 'and Mothers were living, and ſprinkled the Place with Brook-'water, River-water, and Spring-water. Then *Helvidius Priſ-'cus* the Prætor, (*Plautus Elian*, one of the Chief, Prieſts, going 'before him) after he had perform'd the ſolemn Sacrifice of a 'Swine, a Sheep, and a Bullock, for the Purgation of the Floor, 'and laid the Entrails upon a green Turf; humbly beſought *Ju-'piter*, *Juno*, *Minerva*, and the other Deities, Protectors of the 'Empire, that they would be pleas'd to proſper their preſent Un-'dertaking, and accompliſh, by their Divine Aſſiſtance, what 'Human Piety had thus begun. Having concluded his Prayer, 'he put his Hand to the Fillets, to which the Ropes, with a great 'Stone faſtned in them, had been tied for this occaſion; when im-'mediately the whole Company of Prieſts, Senators, and Knights,

(*a*) *Marlian.* Topog. *Rom.* Antiq. *lib.* 6, cap. 6. (*b*) *Ibid.* & *Fabric. Rom.* cap. 9. (*c*) *Marlian. ibid.* (*d*) *Lib.* 6. cap. 8. (*e*) *Fabric.* cap. 9. (*f*) *Ibid.* (*g*) Hiſt. *lib.* 4.

with

'with the greateſt part of the common People, laying hold together 'on the Rope, with all Expreſſions of Joy, drew the Stone into 'the Trench deſign'd for the Foundation, throwing in Wedges 'of Gold, Silver, and other Metals, which had never endur'd 'the Fire.

Some curious Perſons have obſerv'd this Similitude between the Shape of theſe old Temples, and our Modern Churches: That they had one Appartment more holy than the reſt, which they term'd *Cella*, anſwering to our Chancel or Choire: That the Portico's in the ſides, were in all reſpects like to our Iſles; and that our *Navis*, or Body of the Church, is an imitation of their *Baſilica* (*a.*)

There are two other Temples particularly worth our notice; not ſo much for the Magnificence of the Structure, as for the Cuſtoms that depend upon them, and the remarkable Uſe to which they were put. Theſe are the Temples of *Saturn* and *Janus.*

The firſt was famous upon account of ſerving for the Publick Treaſury: The reaſon of which, ſome fanſie to have been, becauſe *Saturn* firſt taught the *Italians* to coin Money; or, as *Plutarch* conjectures, becauſe in the Golden Age under *Saturn*, all Perſons were honeſt and ſincere, and the Names of *Fraud* and *Covetouſneſs* unknown in the World (*b.*) But perhaps there might be no more in't, than that this Temple was one of the ſtrongeſt Places in the City, and ſo the fitteſt for that uſe. Here were preſerv'd all the Publick Regiſters and Records, among which were the *Libri Elephantini*, or great Ivory-Tables, containing a Liſt of all the *Tribes*, and the Schemes of the Publick Accounts.

The other was a ſquare piece of Building (ſome ſay of entire Braſs) ſo large as to contain a Staue of *Janus* five foot high; with brazen Gates of each ſide, which us'd always to be kept open in War, and ſhut in time of Peace. (*c*)

But the *Romans* were ſo continually engag'd in Quarrels, that we find the laſt Cuſtom but ſeldom put in practice.

Firſt, all the long Reign of *Numa*, Secondly, *A. U. C.* 519. upon the concluſion of the firſt *Punic* War. Thirdly, by *Auguſtus*, *A. U. C.* 725. and twice more by the ſame Emperor, *A. U. C.* 729. And again about the time of our Saviour's Birth Then by *Nero*, *A. U. C.* 811. Afterwards by *Veſpaſian*, *A. U. C.* 824. And laſtly, by *Conſtantius*, when, upon *Magnen-*

(*a*) *Polletus* Hiſt. *Roman. Flori lib.* 1 *cap.* 3. (*b*) *Plutarch* in Problem. (*c*) *Vid. Marlian.* Topog. *Rom.* Antiq. *lib. cap.* 8.

tius's

Titus's death, he was left ſole Poſſeſſor of the Empire *A. U. C.* 1105. (*a*).

Of this cuſtom, *Virgil* gives us a noble Deſcription:

Sunt geminæ Belli portæ, ſic nomine dicunt,
Religione ſacræ, & Sævi formidine Martis:
Centum ærei claudunt vectes æternaque ferri
Robora; nec cuſtos abſiſtit limine Janus,
Has, ubi certa ſedet patribus ſententia pugnæ;
Ipſe, Quirinali trabeâ cinctuque Gabino
Inſignis, reſerat ſtridentia limina Conſul.
Ipſe vocat pugnas. (*b*)

Sacred to *Mars* two ſtately Gates appear,
Made awful by the Dread of Arms and War:
An hundred brazen Bolts from impious Pow'r,
And everlaſting Bars the Dome ſecure,
And watchful *Janus* guards his Temple's Door.
Here, when the Fathers have ordain'd to try
The chance of Battel by their fix'd Decree;
The Conſul, rich in his *Gabinian* Gown,
And Regal Pall, leads the Proceſſion on;
The ſounding Hinges gravely turns about,
Rouzes the impriſon'd God, and lets the Furies out.

Near the Temple of *Janus* there was a Street which took the ſame Name, inhabited, for the moſt part, by Bankers and Uſurers. It was very long, and divided by the different manner of *Janus Summus*, *Janus Medius*, and *Janus imus*. The firſt and the laſt of theſe Partitions are mention'd by *Horace*, *lib.* 1. *Epiſt.* 1.

——— *Hæc Janus Summus ab imo Prodocet.*

The other, *Tully* ſpeaks of in ſeveral places of his Works. (*c*) The Superſtition of conſecrating Groves and Woods to the Honour of the Deities, was a Practice very uſual with the Ancients: For, not to ſpeak of thoſe mention'd in the Holy Scripture, *Pliny* aſſures us, That *Trees in old time ſerv'd for the Temples of the Gods.* *Tacitus* reports this Cuſtom of the old *Germans*; *Q. Curtius* of the

(*a*) *Vid. Caſaubon.* Not. ad *Sueton. Auguſt. cap.* 22. (*b*) *Virg. Æn.* 7. (*c*) *Lib.* 2. de Offic. *Philip.* 8. &c. *In-*

THEATRUM CORNELII BALBI GADITANI.



AMPHITHEATRUM CLAUDII.



Indians, and almoſt all Writers of the old *Druids*. The *Romans* too were great Admirers of this way of Worſhip, and therefore had their *Luci* in moſt parts of the City, generally dedicated to ſome particular Deity.

The moſt probable reaſon that can be given for this practice, is taken from the common Opinion, That Fear was the main Principle of Devotion among the ignorant Heathens. And therefore ſuch darkſom and lonely Seats, putting them into a ſudden Horrour and Dread, made them fanſie that there muſt neceſſarily ſomething of Divinity inhabit here, which cou'd produce in them ſuch an Awe and Reverence at their Entrance.

CHAP. IV.

Of the Theatres, Amphitheatres, Circo's, Naumachiæ, Odea, Stadia, *and* Xyſti, *and of the* Campus Martius.

THeatres, ſo call'd from the *Greek* Θεάομαι, *to ſee*, owe their Original to *Bacchus*. (*a*) They were uſual in ſeveral parts of *Greece*; and at laſt, after the ſame manner as other Inſtitutions, were borrow'd thence by the *Romans*: That the *Theatre* and *Amphitheatre*, were two different ſorts of Ædifices, was never queſtion'd, the former being built in the ſhape of a Semicirle; the other generally Oval, ſo as to make the ſame Figure as if two *Theatres* ſhould be join'd together (*b*.) Yet the ſame place is often call'd by both theſe Names in ſeveral Authors. They ſeem too, to have been deſign'd for quite different Ends; the *Theatres* for Stage-Plays, the *Amphitheatres* for the greater Shows of Gladiators, wild Beaſts, &c. The parts of the *Theatre* and *Amphitheatre*, beſt worth our Obſervation, by reaſon of their frequent uſe in Claſſicks, are as follows:

Scena was a Partition reaching quite croſs the *Theatre*, being either *Verſatilis*, or *Ductilis*, either to turn round, or to draw up, for the preſenting a new proſpect to the Spectators, as *Servius* has obſerv'd (*c*.)

Proſcenium was the ſpace of ground juſt before the Scene, where the *Pulpitum* ſtood, into which the Actors came from behind the Scenes to perform (*d*.)

(*a*) *Polydor. Virg.* de Rer. invent. *lib.* 3. *cap.* 13. (*b*) *Ibid.* (*c*) *in Georg.* 3. (*d*) *Roſin. lib.* 5. *cap.* 4.

The

The middle part, or *Area*, of the *Amphitheatre*, was call'd *Cavea*, becauſe 'twas conſiderably lower than the other parts; whence perhaps the Name of *Pit* in our Play-Houſes was borrow'd: And *Arena*, becauſe it us'd to be ſtrown with Sand, to hinder the Performers from ſlipping. *Lipſius* has taken notice, that the whole *Amphitheatre* was often call'd by both theſe Names. (*a*) And the *Veroneſe* ſtill call'd the *Theatre*, which remains almoſt entire in that City, the *Arena*. (*b*)

There was a threefold Diſtinction of the Seats, according to the ordinary diviſion of the People into Senators, Knights, and Commons; the firſt Range was call'd *Orcheſtra*; the ſecond, *Equeſtria*; and the other, *Popularia*. (*c*)

Theatres in the firſt Ages of the Common-wealth, were only temporary, and compos'd of Wood, which ſometimes tumbled down with a great Deſtruction, as *Dio* (*d*) and *Pliny* (*e*) ſpeak of one particularly. Of theſe temporay *Theatres*, the moſt celebrated was that of *M. Scaurus*, mention'd by *Pliny*; (*f*) the Scenes of which were divided into three Partitions one above another; the firſt conſiſting of 120 Pillars of Marble; the next of the like number of Pillars, curiouſly wrought in Glaſs: The top of all had ſtill the ſame number of Pillars adorn'd with gilded Tablets. Between the Pillars, were ſet 3000 Statues and Images of Braſs. The *Cavea* would hold 80000 Men. The Structure which *Curio* afterwards rais'd at the Funeral of his Father, tho' inferior to the former in Magnificence, yet was no leſs remarkable upon account of the admirable Artifice and Contrivance. He built two ſpacious *Theatres* of Wood, ſo order'd with Hinges and other Neceſſaries, as to be able to turn round with very little trouble. Theſe he ſet at firſt back to back, for the Celebration of the Stage-Plays, and ſuch-like Diverſions, to prevent the Diſorder that might otherwiſe ariſe by the confuſion of the Scenes. Toward the latter end of the Day, pulling down the Scenes, and joining the two Fronts of the *Theatres*, he compos'd an exact *Amphitheatre*, in which he again oblig'd the People with a Show of Gladiators. (*g*)

Pompey the Great, was the firſt that undertook the raiſing of a fix'd *Theatre*, which he built very nobly with ſquare Stone; on which account, *Tacitus* (*h*) tells us he was ſeverely reprehended for introducing a Cuſtom ſo different from that of their Fore-fathers, who were contented to ſee the like Performances, in Seats built only for the preſent occaſion, and in ancient times ſtanding only on

(*a*) *Lipſ.* in Amphitheat. (*b*) *Warcup*'s Hiſtory of *Italy*. (*c*) *Caſalius* de Urb. *Rom.* & Imp. ſplendore, *lib.* 2. *cap* 5. (*d*) *Lib.* 37. (*e*) *Lib.* 36. *cap*, 15. (*f*) *Ibid.* (*g*) *Ibid.* (*h*) *Ann.* 14.

the

the Ground. To this purpoſe, I can't omit an ingenious Reflection of *Ovid*, upon the Luxury of the Age he liv'd in, by comparing the honeſt Simplicity of the old *Romans*, with the Vanity and Extravagance of the modern in this particular:

Tunc neque mamoreo pendebant vela Theatro,
Nec fuerant liquido pulpita rubra croco.
Illic quas tulerant, memorata Palatia, frondes
Simpliciter poſitæ, Scena ſine arte fuit.
In gradibus ſedit populus de ceſpite factis,
Quàlibet hirſutas fronde tegente comas. (a)

No Pillars then of *Egypt*'s coſtly Stone,
No Purple Sails hung waving in the Sun.
No Flowers about the ſcented Seats were thrown,
But Sylvan Bowers and ſhady Palaces,
Brought by themſelves, ſecur'd them from the Rays.
Thus guarded and refreſh'd with humble Green,
Wondring they gaz'd upon the artleſs Scene:
Their Seats of homely Turff the Crowd would rear,
And cover with green Boughs their more diſorder'd Hair.

Juvenal intimates that this good old Cuſtom remain'd ſtill uncorrupted in ſeveral pars of *Italy*.

——————————*ipſa dierum*
Feſtorum herboſo colitur ſi quando Theatro
Majeſtas, tandemq; redit ad pulpita notum
Exodium, cùm perſonæ pallentis hiatum
In gremio matris formidat ruſticus infans,
Æquales habitus illuc, ſimilemq; videbis
Orcheſtram & populum—— (b)

On Theatres of Turf in homely State,
Old Plays they act, old Feaſts they celebrate;
The ſame rude Song returns upon the Crowd,
And by Tradition is for Wit allow'd.
The Mimick yearly gives the ſame Delights,
And in the Mothers Arms the clowniſh Infant frights.
Their Habits (undiſtinguiſh'd by Degree)
Are plain, alike; the ſame Simplicity
Both on the Stage, and in the Pit you ſee. *

[* Mr. *Dryden.*

(a) *Ovid de Arte Amandi.* (b) *Juv. Sat.* 3.

Some

Some Remains of this *Theatre* of *Pompey*, are ſtill to be ſeen at *Rome*, as alſo of thoſe other of *Marcellus*, *Statilius Taurus*, *Tiberius*, and *Titus* the ſecond being almoſt entire. (*a*)

The *Circo's* were places ſet apart for the Celebration of ſeveral ſorts of Games, which we will ſpeak of hereafter. They were generally oblong, or almoſt in the ſhape of a Bow, (*b*) having a Wall quite round, (*c*) with Ranges of Seats for the convenience of the Spectators. At the entrance of the *Circus* ſtood the *Carceres*, or Liſts, whence they ſtarted; and juſt by them, one of the *Metæ*, or Marks; the other ſtanding at the farther end, to conclude the Race.

There were ſeveral of theſe *Circi* in *Rome*, as thoſe of *Flaminius*, *Nero*, *Caracalla*, and *Severus*: But the moſt remarkable, as the very Name imports, was the *Circus Maximus*, firſt built by *Tarquinius Priſcus*. (*d*) The length of it was four *Stadia*, or Furlongs, the breadth the like number of Acres; with a Trench of ten foot deep, and as many broad, to receive the Water; and Seats enough for a Hundred and Fifty Thouſand Men. (*e*) It was extremely beautified and adorn'd by ſucceeding Princes, particularly by *Julius Cæſar*, *Auguſtus*, *Caligula*, *Domitian*, *Trajan*, and *Heliogabalus*; and enlarg'd to ſuch a prodigious extent, as to be able to contain in their proper Seats, two hundred and ſixty thouſand Spectators. (*f*)

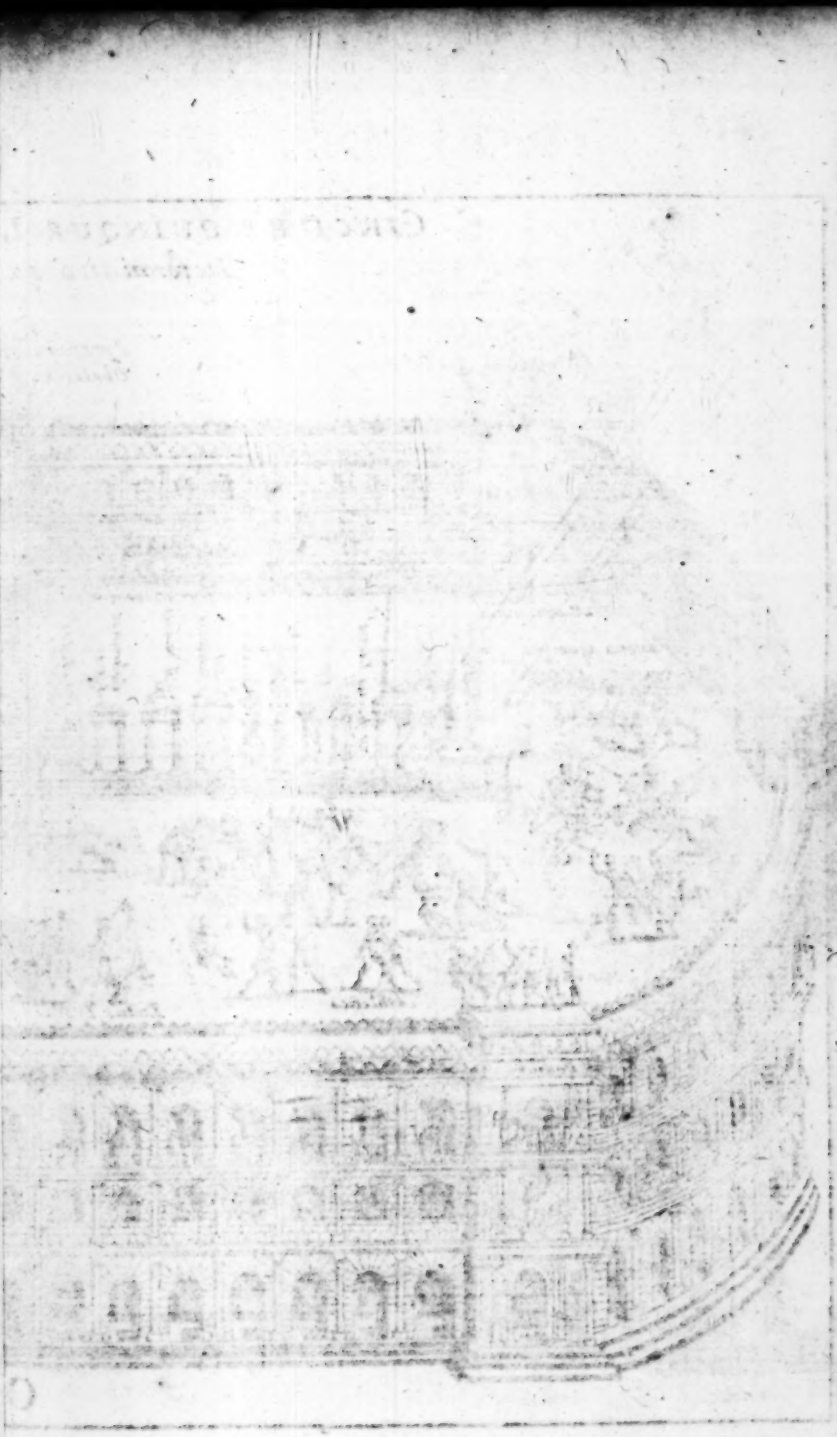
The *Naumachiæ*, or Places for the Shows of Sea-Engagements, are no where particularly deſcrib'd; but we may ſuppoſe them to be very little different from the *Circo's* and *Amphitheatres*, ſince thoſe ſort of Shows for which they were deſign'd, were often exhibited in the fore-mention'd places. (*g*)

Odeum was a publick Edifice, much after the manner of a *Theatre*, (*h*) where the Muſicians and Actors privately exercis'd before their Appearance on the Stage. (*i*) *Plutarch* has deſcrib'd one of their *Odeums* at *Athens*, whence to be ſure the *Romans* took the hint of theirs in the following Words: *For the contrivance of it, on the inſide it was full of Seats and Ranges of Pillars; and on the outſide, the Roof or Covering of it, was made from one point at top, with a great many Bendings, all ſhelving downward, in imitation of the King of* Perſia's *Pavillion.* (*k*)

The *Stadia* were places in the form of *Circo's*, for the Running of Men and Horſes. (*l*) A very noble one *Suetonius* (*m*) tells us was built by *Domitian*.

(*a*) *Fabric. Rom. cap.* 12. (*b*) *Marlian.* Topog. *Rom.* Ant. *lib.* 4. *cap.* 10. (*c*) *Polydor. Virg.* de Rer. invent. *lib.* 2. *cap.* 14. (*d*) *Livy* & *Dionyſ. Halic.* (*e*) *Dionyſ. lib.* 3. (*f*) *Plin. lib.* 36. (*g*) *Marlian.* Topog. *Rom.* Ant. *lib.* 4. *cap.* 13. (*h*) *Fabric. Rom. cap.* 12. (*i*) *Roſin. lib.* 5. *cap.* 4. (*k*) In *Pericle.* (*l*) *Fabric. Rom. cap.* 12. (*m*) In *Domitian.*

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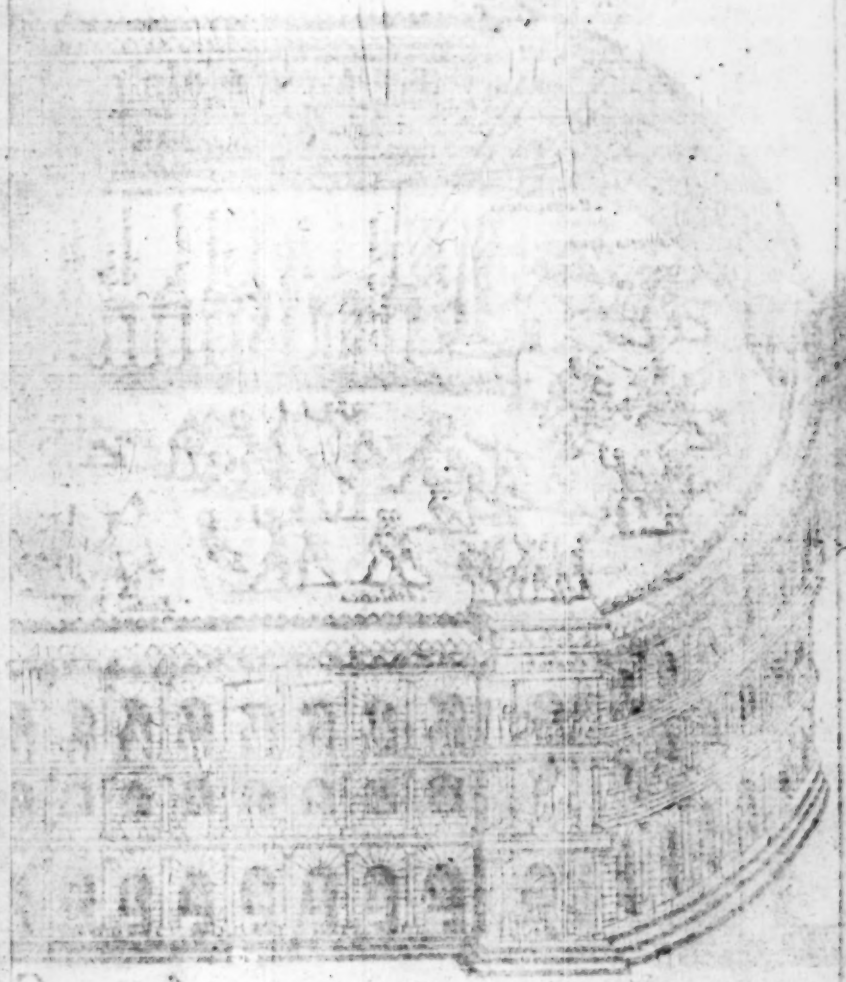
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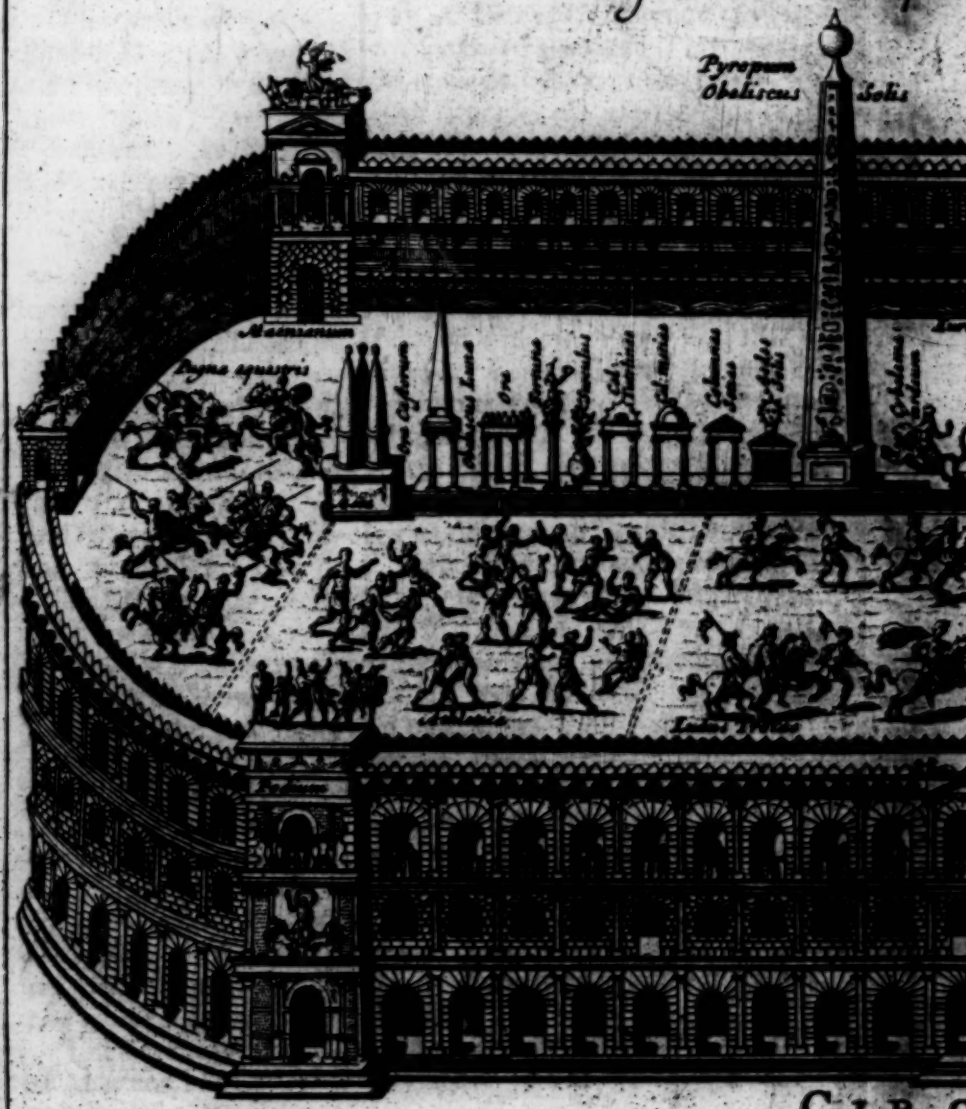
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(*a*) *Fabric. Rom. cap.* 12. (*b*) *Marlian.* Topog. *Rom.* Ant. *lib.* 4. *cap.* 10. (*c*) *Polydor. Virg.* de Rer. invent. *lib.* 2. *cap.* 14. (*d*) *Livy* & *Dionyſ. Halic.* (*e*) *Dionyſ. lib.* 3. (*f*) *Plin. lib.* 36. (*g*) *Marlian.* Topog. *Rom.* Ant. *lib.* 4. *cap.* 13. (*h*) *Fabric. Rom. cap.* 12. (*i*) *Roſin. lib.* 5. *cap.* 4. (*k*) In *Pericle.* (*l*) *Fabric. Rom. cap.* 12. (*m*) In *Domitian.*

The



CIRCI ET QUINQUE LUDICRO
Deformatio ex Onuphri



CIRC

RORUM CIRCENSIUM.

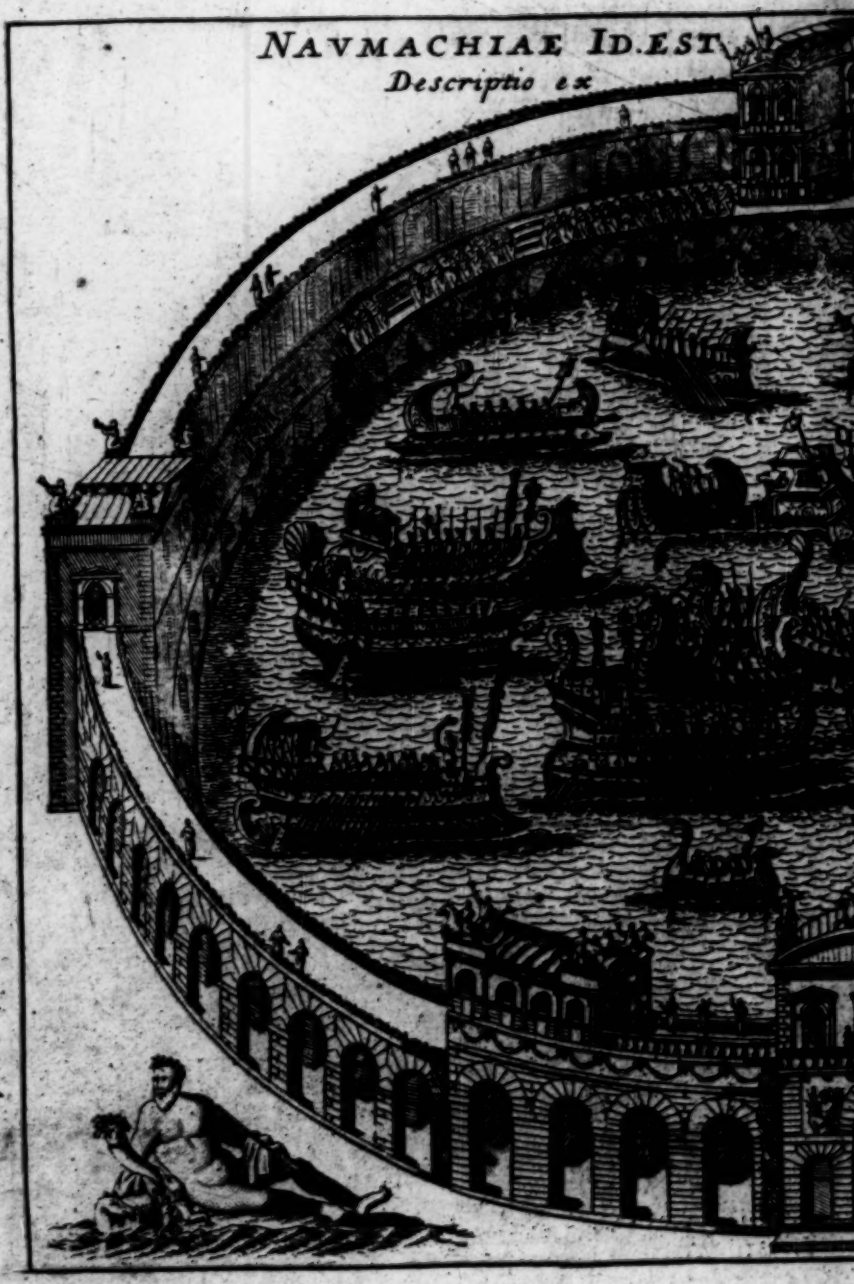
phrio Panvinio.



CUS

NAVMACHIAE ID.EST

Descriptio ex



NAVALIS . PUGNAE .

Onuphr. Panvinio.





The *Xysti* were places built after the fashion of the Portico's for the Wrestlers to exercise in. (*a*)

The *Campus Martius*, famous on so many accounts, was a large plain Field, lying near the *Tiber*, whence we find it sometimes under the Name of *Tiberinus*. It was call'd *Martius*, because it had been consecrated by the old *Romans* to the God *Mars*.

Besides the pleasant Situation, and other natural Ornaments, the continual Sports and Exercises perform'd here, made it one of the most diverting Sights near the City. For,

Here the young Noblemen practis'd all manner of Feats of Activity; learn'd the use of all sorts of Arms and Weapons. Here the Races, either with Chariots or single Horses, were undertaken. Besides this, 'twas nobly adorn'd with the Statues of famous Men, and with Arches, Columns and Portico's, and other magnificent Structures. Here stood the *Villa Publica*, or Palace for the Reception and Entertainment of Ambassadors from Foreign States, who were not allow'd to enter the City. Several of the publick *Comitia* were held in this Field; and for that purpose were the *Septa*, or *Ovilia*, but, an Appartment enclos'd with Rails, where the *Tribes* or *Centuries*, went in one by one to give their Votes. *Cicero*, in one of his Epistles to *Atticus*, intimates a noble Design he had to make the *Septa* of Marble, and to cover them with a high Roof, with the Addition of a stately *Portico*, or *Piazza*, all round. But we hear no more of this Project, and therefore may reasonably suppose, he was disappointed by the Civil Wars which broke out presently after.

CHAP. V.

Of the Curiæ, Senacula, Basilicæ, Fora, *and* Comitium.

THE *Roman Curia* (as it signifies a Publick Ædifice) was of two sorts, Divine and Civil: In the former, the Priests and Religious Orders met for the Regulation of the Rights and Ceremonies belonging to the Worship of the Gods: In the other, the Senate us'd to Assemble, to consult about the Publick Concerns of the Common-wealth. (*b*) The Senate could not meet in such a

(*a*) *Fabric. Rom. cap.* 12. (*b*) *Alex. ab. Alex. lib.* 1. *cap.* 16.

Curiæ

Curia, unleſs it had been ſolemnly conſecrated by the *Augurs* (*a*) and made of the ſame nature as a Temple. Sometimes (at leaſt) the *Curiæ* were no diſtinct Building, but only a Room or Hall in ſome publick place; as particularly *Livy* (*b*) and *Pliny* (*c*) ſpeak of a *Curia* in the *Comitium*, tho' that it ſelf were no entire Structure. The moſt celebrated *Curiæ* were,

Curia Hoſtilia, built by *Tullus Hoſtilius*, as *Livy* (*d*) informs us, And,

Curia Pompeii, where the Senate aſſembled for the effecting the Death of *Julius Cæſar*. (*e*)

Senaculum is ſometimes the ſame as *Curia*: (*f*) To be ſure it could be no other than a Meeting-place for the Senate, the ſame as the *Grecians* call'd γερουσία. *Sext. Pomp. Feſtus* (*g*) tells us of three *Senacula*; two within the City-Walls for ordinary Conſultations; and one without the limits of the City, where the Senate aſſembled to give Audience to thoſe Ambaſſadors of Foreign States, whom they were unwilling to honour with an admiſſion into the City.

Lampridius (*h*) informs us, that the Emperor *Heliogabalus* built a *Senaculum* purpoſely for the uſe of the Women, where, upon high Days, a Council of Grave Matrons were to keep Court.

The *Baſilicæ* were very ſpacious and beautiful Ædifices, deſign'd chiefly for for the *Centumviri*, or the Judges to ſit in and hear Cauſes, and for the Counſellours to receive Clients. The Bankers too, had one part of it allotted for their Reſidence. (*i*) *Voſſius* (*k*) has obſerv'd, that theſe *Baſilicæ* were exactly in the ſhape of our Churches, oblong almoſt like a Ship; which was the reaſon that upon the ruin of many of them, Chriſtian Churches were ſeveral times rais'd on the old Foundations. And very often a whole *Baſilicæ* converted to ſuch a Pious uſe. And hence perhaps all our great Domo's or Cathedals, are ſtill call'd *Baſilicæ*.

The *Roman Forums* were publick Buildings, about three times as long as they were broad. All the compaſs of the *Forum* was ſurrounded with Arch'd Portico's, only ſome paſſages being left for places of entrance. They generally contriv'd to have the moſt ſtately Ædifices all round them, as *Temples*, *Theatres*, *Baſilicæ*, &c. (*l*)

(*a*) *A. Gell. lib.* 14. *c.* 7. (*b*) *Lib.* 1. (*c*) *Lib.*—— (*d*) *Lib.* 1. (*e*) *Sueton.* in *Jul. Caſ. c.* 80. (*f*) *Marlian.* Topog. Ant. *Rom. lib.* 3. *c.* 27. (*g*) In *voce Senaculum.* (*h*) In vit. *Heliogab.* (*i*) *Roſin.* Ant. *lib.* 9. *c.* 7. (*k*) In voce *Baſilicâ.* (*l*) *Lipſ.* de Mag. *Rom.*

They

They were of two ſorts; *Fora Civilia*, and *Fora Venalia*: The firſt were deſign'd for the Ornament of the City, and for the uſe of publick Courts of Juſtice; the others were intended for no other end but the Neceſſities and Convenience of the Inhabitants, and were no doubt equivalent to our Markets. I believe *Lipſius*, in the deſcription that has been given above, means only the former. Of theſe there were Five very conſiderable in *Rome*:

Forum Romanum, built by *Romulus*, and adorn'd with Portico's on all ſides by *Tarquinius Priſcus*. It was call'd *Forum Romanum*, or ſimply *Forum*, by way of eminence, on account of its Antiquity, and of the moſt frequent uſe of it in publick Affairs. *Martial* (*a*) and *Statius* (*b*) for the ſame reaſon give it the Name of *Forum Latium*; *Ovid* the ſame, (*c*) and *Forum Magnum*; (*d*) and *Herodian* (*e*) call's it ὁ ἀρχαῖον ἀγορὰν, *Forum vetus*.

Statius the Poet (*f*) has given an accurate deſcription of the *Forum*, in his Poem upon the Statue of *Domitian* on Horſe-back, ſet up here by that Emperour.

Forum Julium built by *Julius Cæſar*, with the Spoils taken in the *Gallick* War. The very *Area*, *Suetonius* (*g*) tells us, coſt 100 00 Seſterces; and *Dio* (*h*) affirms it to have much exceeded the *Forum Romanum*.

Forum Auguſti, built by *Auguſtus Cæſar*, and reckon'd by *Pliny* among the Wonders of the City. The moſt remarkable Curioſity was the Statues in the two *Portico's*, on each ſide of the main Building. In one, all the *Latin* Kings, beginning with *Æneas*; in the other, all the Kings of *Rome*, beginning with *Romulus*, and moſt of the eminent Perſons in the Common-wealth, and himſelf among the reſt; with an Inſcription upon the Pedeſtal of every Statue, expreſſing the chief Actions and Exploits of the Perſon it repreſented. (*i*)

This *Forum*, as *Spartian* (*k*) informs us, was reſtor'd by the Emperour *Hadrian*.

Forum Nervæ, begun by *Domitian*, as *Suetonius* (*l*) relates; but finiſh'd and nam'd by the Emperour *Nerva*. In this *Forum*, *Alexander Severus* ſet up the Statues of all the Emperours that had been Canoniz'd, (*m*) in imitation of the Contrivance of *Auguſtus*, mention'd but now. This *Forum* was call'd *Tranſitorium*, becauſe it lay very convenient for a paſſage to the other three; and *Palladium*, from the Statute of *Minerva*,

(*a*) *Epig. lib.* 2. (*b*) *Sylvar lib.* 1. cap. 1. (*c*) *Faſt.* 4. (*d*) *Faſt.* 3. (*e*) In vit. *M. Antonin.* (*f*) *Sylv. lib* 1. car. 1. (*g*) In *Jul. Cæſ.* cap. 26. (*h*) *Dio. lib.* 43. (*i*) *Lipſ.* de Magnitued. *Rom.* (*k*) In vit. *Hadrian.* (*l*) In *Domit.* cap. 5. (*m*) *Spartian.* in *Severo.*

the Tutelar Deity of *Auguſtus*; (*a*) upon which account perhaps *Fabricius* (*b*) attributes the Name of *Palladium* to the *Forum* of that Emperour.

There's ſcarce any thing remaining of this *Forum*, except an old decay'd Arch, which the People by a ſtrange Corruption, inſtead of *Nerva*'s Arch, call *Noah*'s Ark. (*c*)

But the moſt celebrated for the admirable Structure and Contrivance, was the *Forum Trajani*, built by the Emperour *Trajan*, with the foreign Spoils he had took in the Wars. The Covering of this Ædifice was all Braſs, the Portico's exceedingly beautiful and magnificent, with Pillars of more than ordinary heighth, and Chapiters of exceſſive bigneſs. (*d*)

Ammianus Marcellinus, in the deſcription of *Conſtantius* his Triumphal Entrance into *Rome*, when he has brought him with no ordinary admiration by the Baths, the *Pantheon*, the *Capitol*, and other noble Structures, as ſoon as ever he gives him a ſight of this *Forum* of *Trajan*, he puts him into an ecſtaſie, and can't forbear making an Harangue upon the matter. (*e*) We meet in the ſame place with a very ſmart Repartee which *Conſtantius* receiv'd at this time from *Ormiſdas*, a *Perſian* Prince. The Emperour, as he ſtrangely admir'd every thing belonging to this noble Pile; ſo he had a particular Fancy for the Statue of *Trajan*'s Horſe, which ſtood on the top of the Building, and expreſs'd his Deſire of doing as much for his own Beaſt: *Pray, Sir,* (ſaies the Prince) *before you talk of getting ſuch a Horſe, will you be pleas'd to build ſuch a Stable to put him in.* (*f*)

The chief *Fora Venalia*, or Markets, were,

Boarium, for Oxen and Beef.

Propertius (*g*) has a prety fancy about this *Forum*, that it took it's name from *Hercules*'s Oxen, which he brought from *Spain*, and reſcu'd them here, after they had been Stoln by *Cacus*.

Suarium, for Swine.

Piſtorium, for Bread.

Cupedinarium, for Dainties.

Holitorium, for Roots, Sallets, and ſuch-like.

The *Comitium* was only a part of the *Forum Romanum*, which ſerv'd ſometimes for the Celebration of the *Comitia*, which will be deſcrib'd hereafter.

In this part of the *Forum* ſtood the *Roſtra*, being a *Suggeſtum*, or ſort of Pulpit adorn'd with the Beaks of Ships, taken in a Sea-

(*a*) *Lipſ.* in *Magn. Rom.* (*b*) *Roma, cap.* 7. (*c*) *Marlian. lib.* 3. *cap.* 14. (*d*) *Idem lib. cap.* 13. (*e*) *Ammia Marcellin. Hiſt. lib.* 16. (*f*) *Ibid.* (*g*) *lib.* 4. *El.* 10. *ver.* 20.

Fight

Fight from the Inhabitants of *Antium* in *Italy*, as *Livy* informs us (*a*) In this the Cauſes were pleaded, the Orations made, and the Funeral Panegyricks ſpoke by Perſons at the Death of their Relations; which pious Action they term'd *Defuncti pro roſtris Laudatio.*

Hard by, was fix'd the *Puteal*, of which we have ſeveral, and very different accounts from the Criticks; but none more probable than the Opinion of the ingenious Monſieur *Dacier* (*b*) which he delivers to this purpoſe.

'The *Romans*, whenever a Thunder-bolt fell upon a place 'without a Roof, took care, out of Superſtition, to have a ſort 'of Cover built over it, which they properly call *Puteal.* This 'had the Name of *Puteal Libonis*, and *Scribonium Puteal*, be-'cauſe *Scribonius Libo*, erected it by order of the Senate. The '*Prætor*'s Tribunal ſtanding juſt by, is often ſignified in Authors 'by the ſame Expreſſion.

(*a*) *Lib.* 8. (*b*) *Dacier*, Not. on *Horace*, Sat. *lib.* 2. Sat. 6. verſ. 35.

CHAP. VI.

Of the Portico's, Arches, Columns, *and* Trophies.

IN Accounts of the eminent Buildings of the City, the PORTICO's have ever had an honourable place. They were Structures of curious Work and extraordinary Beauty annex'd to publick Edifices, Sacred or Civil, as well for Ornament as uſe. They generally took their Names either from the Temples that they ſtood near, as *Porticus Concordiæ*, *Quirini*, *Herculis*, &c. Or, from the Authors, as *Porticus Pompeia*, *Octavia*, *Livia*, &c. Or, from the nature and form of the Building, as *Porticus curva*, *ſtadiata*, *prophyretica*, Or, from the Shops that were kept in them, or *Margaritaria*, and *Argentaria*: Or, from the remarkable painting in them, as *Porticus Iſidis*, *Europæ*, &c. Or elſe from the places to which they joyn'd, as *Porticus Amphitheatri*, *Porticus Circi*, &c. (*a*)

Theſe Portico's were ſometimes put to very ſerious uſe, ſerving for the Aſſemblies of the Senate on ſeveral accounts. Sometimes the Jewellers, and ſuch as dealt in the moſt precious Wares, took up here their Standing to expoſe their Goods to ſale; But the general uſe that they were put to, was the pleaſure of walking or riding in them; in the ſhade in ſummer, and in win-

(*a*) *Fabricii Roma*, *cap.* 13.

ter in the dry; like the preſent *Piazza*'s in *Italy*, *Velleius Paterlus*, (*a*) when he deplores the extreme corruption of Manners that had crept into *Rome* upon the happy concluſion of the *Carthaginian* War, mentions particularly the vanity of the Noblemen, in endeavouring to out-ſhine one another in the magnificence of their Portico's, as a great inſtance of their extravagant Luxury.

And *Juvenal* in his Seventh Satyr complains:

Balnea Sexcentis, & pluris Porticus, in quâ
Geſtatur Dominus quoties pluit: Anne ſerenum
Expectet, ſpargatve, luto jumenta recenti?
Hic potius, namq; hic mundæ nitet ungula mulæ.

On ſumptuous Baths the Rich their Wealth beſtow,
Or ſome expenſive, airy Portico;
Where ſafe from Showers they may be born in State;
And, free from Tempeſts, for fair Weather wait:
Or rather not expect the clearing Sun.
Thro' thick and thin their Equipage muſt run:
Or ſtaying, 'tis not for their Servant's ſake,
But that their Mules no prejudice may take.

Mr. *Charles Dryden.*

ARCHES were publick Buildings, deſign'd for the reward and encouragement of noble Enterprizes, erected generally to the Honour of ſuch eminent Perſons as had either won a Victory of extraordinary conſequence abroad, or had reſcu'd the Commonwealth at home from any conſiderable danger. At firſt they were plain and rude Structures, by no means remarkable for Beauty or State. But in latter times no Expences were thought too great for the rendring them in the higheſt manner ſplendid and magnificent: No thing being more uſual than to have the greateſt Actions of the Heroes they ſtood to Honour, curiouſly expreſs'd, or the whole Proceſſion of the Triumph cut out on the ſides. The Arches built by *Romulus* were only of Brick; that of *Camillus* of plain ſquare Stone; but then thoſe of *Cæſar*, *Druſus*, *Titus*, *Trajan*, *Gordian*, &c. were all entirely Marble. (*b*)

As to their Figure, they were at firſt ſemicircular, whence probably they took their Names. Afterwards they were built

(*a*) *Lib.* 2. cap. 1. (*b*) *Fabricii Roma*, cap. 14.

four-

our-ſquare, with a ſpacious arched Gate in the middle, and little ones on each ſide. Upon the vaulted part of the middle Gate, hung little winged Images, repreſenting Victory, with Crowns in their Hands, which when they were let down, they put upon the Conqueror's Head as he paſs'd under in Triumph. (*a*)

The COLUMNS or Pillars were none of the meaneſt Beauties of the City. They were at laſt converted to the ſame deſign as the Arches, for the honourable memorial of ſome noble Victory or Exploit, after they had been a long time in uſe for the chief Ornaments of the Sepulchres of great Men; as may be gathered from *Homer*, *Iliad* 16. where *Juno*, when ſhe's foretelling the Death of *Sarpedon*; and ſpeaking at laſt of carrying him into his own Country to be Buried, has theſe Words:

Ἔνθά ἑ ταρχύσουσι κασίγνητοί τε, ἕ τε,
Τύμβῳ τε στήλῃ τε, τὸ γὰρ γέρας ἐστὶ θανόντων.

There ſhall his Brothers and ſad Friends receive
The breathleſs Corps, and bear it to the Grave.
A Pillar ſhall be rear'd, a Tomb be laid,
The nobleſt Honour that rewards the dead.

The Pillars of the Emperours *Trajan* and *Antoninus*, have been extremely admir'd for their Beauty and curious Work; and therefore deſerve a particular deſcription.

The former was ſet up in the middle of *Trajan's Forum*, being compos'd of Four and twenty great Stones of Marble, but ſo curiouſly cemented, as to ſeem one entire natural Stone. The heighth was 144 Foot according to *Eutropius*; (*b*) tho' *Marlian* (*c*) ſeems to make them but 128: Yet they are eaſily reconcil'd, if we ſuppoſe one of them to have begun the Meaſure from the Pillar it ſelf, and the other from the Baſis. It is aſcended on the inſide by 185 winding Stairs, and has Forty little Windows for the admiſſion of the Light. The whole Pillar is incruſted with Marble; in which are expreſs'd all the noble Actions of the Emperour, and particularly the *Dacian* War. One may ſee all over the ſeveral Figures of Forts, Bulwarks, Bridges, Ships, *&c.* and all manner of Arms, as Shields, Helmets, Targets, Swords, Spears, Daggers, Belts, *&c.* together with the ſeveral Offices and Employments of the Soldiers, Some digging Trenches, ſome meaſuring out a place for the Tents, and others making a Tri-

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(*a*) *Fabricii Roma*, cap. 14. (*b*) Hiſt. *lib.* 8. (*c*) *Lib.* 3. cap. 13.

umphal Proceſſion. (*a*) But the nobleſt Ornament of this Pillar, was the Statue of *Trajan* on the top, of a Gigantick bigneſs; being no leſs than Twenty Foot high. He was repreſented in a Coat of Armour proper to the General, holding in his Left Hand a Scepter, in his Right a hollow Globe of Gold, in which his own Aſhes were repoſited after his Death. (*b*)

The Column of *Antoninus* was rais'd in imitation of this, which it exceeded only in one reſpect, that 'twas 176 Foot high: (*c*) For the Work was much inferiour to the former, as being undertaken in the declining Age of the Empire. The aſcent on the inſide was by 106 Stairs, and the Windows in the ſides 56. The Sculpture and other Ornaments were of the ſame Nature as thoſe of the firſt: And on the top ſtood a *Coloſſus* of the Emperour naked, as appears from ſome of his Coins. (*d*)

Both theſe Columns are ſtill ſtanding at *Rome*; the former moſt entire. But Pope *Sixtus* the Firſt, inſtead of the Two Statues of the Emperours, ſet up St. *Peter*'s on the Column of *Trajan*, and St. *Paul*'s on that of *Antoninus*. (*e*)

Among the Columns we muſt not paſs by the *Miliarium aureum*, a gilded Pillar in the *Forum*, Erected by *Auguſtus Cæſar*, at which all the High-ways of *Italy* met, and were concluded. (*f*) From this they counted their Miles, at the end of every Mile ſetting upon a Stone; whence came the Phraſe of *Primus ab Urbe lapis*, and the like. This Pillar, as Mr. *Laſſels* inform's us, is ſtill to be ſeen.

Nor muſt we forget the *Columna Bellica*, thus deſcrib'd by *Ovid*.

Proſpicit à tergo ſummum brevis area circum,
Eſt ibi non parvæ parva columna notæ:
Hinc ſolet haſta manu belli prænuncia mitti
In regem & gentem, cùm placet arma capi. (*g*)

Behind the *Circus* on the level Ground
Stands a ſmall Pillar, for its uſe renown'd:
Hence 'tis our Herald throws the fatal Spear,
Denotes the Quarrel, and begins the War.

But thoſe who admire Antiquity, will think all theſe inferior to the *Columna Roſtrata*, ſet up to the honour of *C. Duilius*, when he had gain'd ſo famous a Victory over the *Carthaginian* and *Sicilian* Fleets, *A. U C.* 493, and adorn'd with the Beaks of the Veſſels, taken in the Engagement. This is ſtill to bee ſeen in *Rome*, and never fail's of a Viſit from any curious Stranger. The Inſcrip-

(*a*) *Fabricius, cap.* 7. (*b*) *Caſalius, par.* 1. *cap.* 11. (*c*) *Marlian, lib.* 6. *cap.* 13. (*d*) *Ibid.* (*e*) *Caſal. par.* 1. *cap.* 11. (*f*) *Marlian. lib.* 3. *cap* 18. (*g*) *Ovid, Faſt.* 6.

tion

tion on the Baſis is a noble Example of the old way of writing in the early times of the Common-wealth. Beſides this ancient and moſt celebrated one, there were ſeveral other *Columnæ roſtratæ* Erected on like occaſions; as particularly four by *Auguſtus Cæſar* after the *Actian* Defeat of *Antony*: To theſe *Virgil* alludes in his

——*Navali Surgentes ære Columnas.* (a)

The deſign of the Trophies is too well known to need any explication: The ſhape of them cannot be better underſtood than by the following Deſcription of the Poet.

Ingentem quercum deciſis undiq; ramis
Conſtituit tumulo: fulgentiaq; induit arma,
Mezentî ducis exuvias; tibi magne tropheum
Bellipotens: aptat rorantes ſanguine criſtas,
Telaq; trunca viri, & bis ſex thoraca petitum
Perfoſſumq; locis: clypeumq; ex ære ſiniſtræ
Subligat, atq; enſem collo ſuſpendit eburnum. (b)

And firſt he lopp'd an Oak's great Branches round,
The Trunk he faſten'd in a riſing Ground:
And here he fix'd the ſhining Armour on,
The mighty Spoil from proud *Mezentius* won.
Above the Creſt was plac'd, that dropt with Blood,
A grateful Trophy to the warlike God;
His ſhatter'd Spears ſtuck round: The Corſlet too,
Pierc'd in Twelve plaees hung deform'd below.
While the Left Side his maſſy Target bears,
The Neck the glittering Blade he brandiſh'd in the Wars.

Of thoſe Trophies which *Marius* rais'd after the *Cimbric* War, ſtill remaining at *Rome*, we have this account in *Fabricius*: *They are Two Trunks of Marble hung round with Spoils: One of them is cover'd with a ſcaly Corſlet, with Shields and other Military Ornaments: Juſt before it, is ſet a young Man in the poſture of a Captive with his Hands tyed behind him, and all round, are winged Images of Victory. The other is ſet out with the common Military Garb, having a Shield of an unequal round, and Two Helmets, one open and adorn'd with Creſts, the other cloſe without Creſts. On the ſame Trophy is the Shape of a Soldier's Coat, with ſeveral other deſigns, which by reaſon of the decay of the Marble, are very difficult to be diſcover'd.* (c)

(a) *Georg.* 3. (b) *Virg Æneid.* 11. (c) *Fabricius, cap.* 14.

CHAP. VII.

Of the Bagnio's, Aquæducts, Cloacæ, *and* Publick Ways.

THERE cannot be a greater inſtance of the Magnificence, or rather Luxury of the *Romans*, than their noble *Bagnio's*. *Ammianus Marcellinus* obſerves, (*a*) that they were built *in modum Provinciarum*, as large as Provinces: But the great *Valeſius* (*b*) judges the Word *Provinciarum* to be a Corruption of *Piſcinarum*. And tho' this Emendation does in ſome meaſure extenuate one part of Vanity, which has been ſo often alledg'd againſt them, from the Authority of that Paſſage of the Hiſtorian; yet the prodigious Accounts that we have of their Ornaments and Furniture, will bring them perhaps under a Cenſure no leſs favourable than the former. *Seneca*, ſpeaking of the Luxury of his Countrymen in this reſpect, complains, That they were arriv'd to ſuch a pitch of niceneſs and delicacy, as to ſcorn to ſet their Feet on any thing but precious Stones. (*c*) And *Pliny* wiſhes good old *Fabricius* were but alive to ſee the degeneracy of his Poſterity, when the very Women muſt have their Seats in the Baths of ſolid Silver. (*d*) But a deſcription from a Poet, may perhaps be more diverting; and his *Statius* has oblig'd us with in this Poem upon the Baths of *Claudius Etruſcus*, Steward to the Emperour *Claudius*.

Nil ibi plebeium: nuſquam Temeſæa videbis
Æra, ſed Argento felix propellitur unda,
Argentoq; cadit, labriſq; nitentibus inſtat
Delicias mirata ſuas, & abire recuſat.

Nothing there's vulgar; no *Temeſean* Braſs
In all the glittering Structure claims a place.
From Silver-Pipes the happy Waters flow,
In Silver-Ciſterns are receiv'd below.

(*a*) *Ammian Marcel. lib.* 16. (*b*) *Notæ ad Locum.* (*c*) *Epiſt.* 86. (*d*) *Lib.* 33 *cap.* 12.

See

See where with noble Pride the doubtful Stream
Stands fix'd in wonder on the ſhining Brim;
Surveys its Riches, and admires its State;
Loth to be raviſh'd from the glorious Seat!

The moſt remarkable Bagnio's were thoſe of the Emperours *Dioclesian* and *Antoninus Caracalla*; great part of which are ſtanding at this time, and with the vaſt high Arches, the beautiful and ſtately Pillars, the extraordinary Plenty of foreign Marble, the curious vaulting of the Roofs, the prodigious number of ſpacious Apartments, and a Thouſand other Ornaments and Conveniences, are as pleaſing a Sight to a Traveller as any other Antiquities in *Rome*.

The *Aquæducts* were, without queſtion, ſome of the nobleſt Deſigns of the old *Romans*. *Sextus Julius Frontinus* a *Roman* Author, and a Perſon of Conſular Dignity, who has compil'd a whole Treatiſe on this Subject, affirms them to be the cleareſt Token of the Grandeur of the Empire. The firſt invention of them is attributed to *Appius Claudius*, *A. V. C.* 441, who brought Water into the City by a Chanel of Eleven Miles in length. But this was very inconſiderable to thoſe that were afterwards carried on by the Emperours and other Perſons; ſeveral of which were cut thro' the Mountains, and all other Impediments for above Forty Miles together; and of ſuch an height, that a Man on Horſeback, as *Procopius* informs us, might ride thro' them without the leaſt difficulty. (*a*) But this is meant only of the conſtant courſe of the Chanel; for the Vaults and Arches, were in ſome places 109 Foot high. (*b*) *Procopius* (*c*) makes the Aquæducts but Fourteen: *Victor* (*d*) has enlarg'd the number to Twenty: In the Names of them the Waters only were mention'd; as *Aqua Claudia*, *Aqua Appia*, &c.

The noble Poet *Rutilius* thus touches on the Aquæducts, in his ingenious Itinerary.

Quid loquar aerio pendentes fornice rivos
Quà vix imbriferas tolleret Iris *aquas?*
Hos potius dicas creviſſe in ſydera montes,
Tale Giganteum Græcia *laudat opus.* (*e*)

(*a*) *Procopius. de bell. Goth.* lib. 1. (*b*) *Sext. Jul. Frontin.* (*c*) *De bell. Goth. lib.* 1. (*d*) Deſcript. *Urb. Region.* (*e*) *Rutil. Itinerar. lib.* 1.

What,

What, ſhould I ſing how lofty Waters flow
From airy Vault, and leave the Rain below,
While conquer'd *Iris* yields with her unequal Bow?
Bold *Typhon* here had ſpar'd his pains as well,
And ſcal'd *Jove's* Walls from any ſingle Hill.

But that which *Pliny* calls *opus omnium maximum*, were the *Cloacæ*, or common Gutters for the conveyance of Dirt and Filth. And becauſe no Authority can be better than his, we may venture to borrow the whole account of them from the ſame place. *Cloacæ opus omnium maximum.* &c.

'The *Cloacæ*, the greateſt of all the Works, he contriv'd 'by undermining and cutting thro' the Seven Hills upon which 'Rome is ſeated, making the City hang, as it were, between Hea-'ven and Earth, and capable of being ſail'd under, *M. Agrippa* 'in his Ædileſhip, made no leſs than Seven Streams meet to-'gether under-ground in one main Channel, with ſuch a rapid 'Current, as to carry all before them that they met with in their 'paſſage. Sometimes, when they are violently ſwell'd with im-'moderate Rains, they beat with exceſſive Fury againſt the Pav-'ing at the bottom, and on the ſides, Sometimes in a Flood, 'the *Tiber* Waters oppoſe them in their Courſe; and then the 'Two Streams encounter with all the Fury imaginable; and 'yet the Works preſerve their old ſtrength, without any ſenſible da-'mage. Sometimes huge pieces of Stone and Timber, or ſuch 'like Materials, are carried down the Chanel, and yet the Fa-'brick receives no Detriment. Sometimes the Ruins of whole 'Buildings deſtroy'd by Fire or other Caſualties preſs heavily upon 'the Frame. Sometimes terrible Earthquakes ſhake the very Foun-'dations, and yet they ſtill continue impregnable almoſt 800 Years 'ſince they were firſt laid by *Tarquinius.* (*a*)

Very little inferiour to the Works already mention'd, were the Publick Ways, built with extraordinary charge, to a great diſtance from the City on all ſides. They were generally pav'd with Flint; tho' ſometimes, and eſpecially without the City, with Pebbles and Gravel. The moſt noble in all reſpects, was the *Via Appia*, taking its Name from the Author *Appius*, the ſame that invented the *Cloacæ*. This was carried to ſuch a vaſt length, that *Procopius* (*b*) reckons it a very good Five Days Journey to reach the end: And *Lipſius* (*c*) computes it at 350 Miles. An account of as much of this way as lies between *Rome* and

(*a*) *Plin. lib.* 36. *cap.* 15. (*b*) *De bell. Goth. lib.* 1. (*c*) *De Magn. Rom.*

Na-

Naples, the reverend Dr. *Burnet*, has oblig'd us with in his Letters: (*a*) He tells us, 'tis Twelve Foot broad; all made of huge Stones, moſt of them Blew; and they are generally a Foot and a half large of all ſides. And preſently after, admiring the extraordinary ſtrength of the Work, he ſaies, That tho' it has laſted above 1800 Years, yet in moſt places, 'tis for ſeveral Miles (*b*) together as entire as when it was firſt made. And as to the *Via Flaminia*, the next Cauſey of note, the ſame Author obſerves, That tho' it be not indeed ſo entire as the former, yet there is enough left to raiſe a juſt Idea of the *Roman* Greatneſs.

I muſt deſire leave to conclude this Subject with the ingenious Epigram of *Janus Vitalis*, an *Italian* Poet.

Quid Romam *in mediâ quæris novus advena* Româ,
Et Romæ *in* Româ *nil reperis mediâ?*
Aſpice murorum moles, præruptaq; ſaxa,
Obrutaq; ; horrenti vaſta Theatra ſitu:
Hæc ſunt Roma: *Viden' velut ipſa cadavera tantæ*
Urbis adhuc ſpirent imperioſa minas?
Vicit ut hæc mundum, niſa eſt ſe vincere: vicit,
A ſe non victumne quid in orbe foret.
Hunc victâ in Româ *victrix* Roma *illa ſepulta eſt,*
Atq; eadem victrix victaq; Roma *fuit.*
Albula *Romani reſtat nunc nominis index,*
Qui quoque nunc rapidis fertur in æquor aquis.
Diſce hinc quid poſſit fortuna; immota labaſcunt,
Et quæ perpetuò ſunt agitata manent.

Within *Rome*'s Walls, vain Stranger, art thou come
To ſeek for *Rome*, and find'ſt no *Rome* in *Rome*?
See here the craggy Walls, the Tow'rs defac'd,
And Piles that frighten more than once they pleas'd:
See the vaſt Theaters, a ſhapeleſs load,
And Sights more Tragick than they ever ſhow'd:
This, this is *Rome*: Her haughty Carcaſs ſpread.
Still awes in ruin, and commands when dead.
The Subject World firſt took from her their Fate;
And when ſhe only ſtood unconquer'd yet,
Her ſelf ſhe laſt ſubdu'd to make the Work compleat.

(*a*) Letter 4th. (*b*) *Ibid.*

But

But ah! ſo dear the fatal Triumph coſt,
That conqu'ring *Rome* is in the conquer'd loſt.
Yet rolling *Tiber* ſtill maintains his Stream,
Swell'd with the Glories of the *Roman* Name.
Strange Power of Fate! unſhaken Moles muſt waſt;
While things that ever move, for ever laſt.

PART

PART II.

BOOK II.

Of the Religion of the Romans.

CHAP I.

Of the Religion and Morality of the Romans *in general.*

THAT Religion is abſolutely neceſſary for the eſtabliſhing of Civil Government, is a truth ſo far from being denied by any ſort of Perſons, that we meet with too many who are unwilling to allow any other deſign in Sacred Inſtitutions. As to the *Romans*, it has been univerſally agreed, That Vertue and Fortune were engag'd in a ſort of noble Contention for the Advancement of the Grandeur and Happineſs of that People. And a very great Judge has concluded the latter to be only a conſequence of the other. *For Religion*, ſaies he, (*a*) *produc'd good Laws; good Laws good Fortune, and good Fortune a good End in whatever they undertook.* And perhaps he has not ſtrain'd the Panegyrick too high, when he tells us, That *for ſeveral Ages together, never was the Fear of God more eminently conſpicuous than in that Republick.* (*b*) 'Twas this conſideration which made the great St. *Auſtin* obſerve, (*c*) That God would not give Heaven to the *Romans* becauſe they were Heathens; but he gave them the Em-

(*a*) *Machiavel's* Diſcourſe on *Livy*, *lib.* 1. cap. 11. (*b*) *Ibid.* (*c*) *De Civitate Dei. lib.* 4. cap. 15.

pire

pire of the World becauſe they were Vertuous. And indeed, in their more general Vertues their Practice inclin'd rather to the exceſs than the defect: Thus were they devout to Superſtition, valiant to a contempt of Life, and an inconſiderate courting of danger: Frugal and Temperate in the firſt Ages, to a voluntary abſtinence from agreeable Pleaſures and Convenience: Conſtant ſeveral times, to the occaſion of their own ruin, and rather rigorous than juſt. A tedious account of the *Decii*, *Regulus*, *Fabricius*, *Curius Scævola*, &c. would be needleſs even to a School-boy, who is ſeldom unfurniſh'd with a ſtock of ſuch Hiſtories.

But we muſt by no means omit a moſt noble ſaying of *Cicero* to this purpoſe in his Oration about the Anſwer of the *Aruſpices*: *Quàm volumus licet, Patres Conſcripti, nos amemus, tamen nec numero Hiſpanos, nec robore Gallos, nec calliditate Pœnos, nec artibus Græcos; nec denique hoc ipſo hujus Gentis & Terræ domeſtico nativoque ſenſu Italos ipſos & Latinos; ſed Pietate ac Religione, atque hâc unâ ſapientiâ quòd Deorum Immortalium Numine omnia regi gubernarique perſpeximus, omnes Gentes Nationeſque ſuperavimus.*

But 'twill naturally be objected, That whatever Harangues we make upon the Juſtice, Temperance, and other celebrated Vertues of the old *Romans*, they at laſt degenerated into the moſt luxurious and extravagant People in the World. Every Page of their own Satyriſts is a very good Argument for this Opinion; beſides the numerous Complaints of their Hiſtorians and other Writers. Now tho' *Lipſius* has undertaken to bring them off clear from all ſuch Imputations; yet, I think, we muſt be forc'd to allow, that they did indeed debaſe the noble and generous Spirit of their Anceſtors; and this Corruption was without doubt, the only cauſe of the declenſion and final ruin of the Empire. But as we are not to give over the cauſe of Vertue on account of the debauchery of latter times, ſo we have little reaſon to exalt the eminent Qualities of the old *Romans* to ſo high a pitch as ſome imagine. There's no neceſſity of making a Hero of every Conſul, or fanſying every one who was eminently ſerviceable to the Republick, to have been a Perſon of conſummated Vertue. So that, when we meet in *Roman* Authors ſuch extravagant Encomiums of their Anceſtors, we may conclude, that what *Horace* has obſerv'd in reference to Poetry, will hold altogether as well in this Caſe: The generality of People being ſo ſtrangely tranſported with the love and admiration of Antiquity, that nothing was more uſual than to meet with ſuch a Perſon as he deſcribes,

Qui

Qui redit ad Faſtos, & virtutem æſtimat annis,
Miraturq; nihil niſi quod Libitina *ſacravit.*

That when he'd try a Man's pretence to Fame,
Runs to his Chronicle to find his Name:
Thinks Vertue better for its Age, like Wine;
And only likes what death has made Divine.

For we may often obſerve, that their very Panegyricks upon the honeſt People of the firſt Ages of the Common-wealth, repreſent them rather as a ſort of rude unpoliſh'd Mortals, than as Perſons eminent for any noble Endowments.

So *Juvenal*, Sat. 14.

——— *Saturabat glebula talis*
Patrem ipſum turbamq; caſæ; quâ fœta jacebat
Uxor, & infantes ludebant quatuor, unus
Vernula, tres domini: Sed magnis fratribus horum
A ſcrobe vel ſulco redeuntibus altera cœna
Æmplior, & grandes fumabant pultibus ollæ.

——— This little Spot of Earth, well till'd,
A numerous Family with Plenty fill'd.
The good old Man and thrifty Houſewife ſpent
Their Days in Peace, and fatten'd with content;
Enjoy'd the Dregs of Life, and liv'd to ſee
A long, deſcending, healthful Progeny.
The Men were faſhion'd in a larger Mould;
The Women fit for labour, Big and Bold.
Gigantick Hinds, as ſoon as Work was done,
To their huge Pots of boiling Pulſe would run,
Fell to with eager joy on homely Food,
And their large Veins beat ſtrong with wholſom Blood.

[Mr. *John Dryden Jun.*

But the account which *Perſius* gives us of *Titus Quintius*, the old Country Dictator, has ſomething more of ridiculous in it.

Unde Remus, *ſulcoq; terens Dentalia Quinti,*
Quem trepida ante boves Dictatorem induit uxor;
Et tua aratra domum Lictor tulit (a) ———

(a) *Perſ. Sat.* 1

Where

Where *Romulus* were bred, and *Quintius* born,
Whoſe ſhining Plow-ſhare was in Furrows worn,
Met by his trembling Wife returning home,
And ruſtically joy'd Chief of *Rome*.
She wip'd the Sweat from the Dictator's Brow;
And o'er his back his Robe did rudely throw;
The Lictors bore in State their Lord's Triumphant Plough.

[Mr. *Dryden*.

We muſt therefore allow every Age its proper Character and Commendation; and conclude with the ingenious Mr. *St. Evremont*, *That the excellent Citizens liv'd among the ancient* Romans, *and the moſt accompliſh'd Generals among the latter.* (*a*)

(*a*) Reflect. upon the Genius of the *Rom.* Peop. cap. 4.

CHAP. II.

Of the Luperci, Lupercalia, *&c. Of the* Potitii *and* Pinarii; *and of the* Arval *Brothers.*

THE Places of Worſhip having been already deſcrib'd, the chief Subjects that ſtill remain relating to Religion, are the Prieſts, the Sacrifices, and the Feſtivals: For it would be very needleſs and impertinent to enter into a Diſquiſition about the Deities, a matter that, having its very Foundation in Fiction, is involv'd in ſo many endleſs Stories, and yet has employ'd ſeveral Pens to explain it.

Luperci.] The moſt ancient Order of the Prieſts were the *Luperci*, ſacred to *Pan* the God of the Country, and particularly of Shepherds. They had their Name from the Deity they attended on, call'd in *Greek* λυκαῖος; probably from λύκος a Wolf, in *Latin Lupus*; becauſe the chief Employment of *Pan*, was the driving away ſuch Beaſts from the Sheep that he protected.

Lupercalia. The *Lupercalia*, as *Plutarch* obſerves, appears to have been a Feaſt of *Purification*, being ſolemniz'd on the *Dies Nefaſti*, or Non-Court-days of the Month *February*, which derives its Name from *Februo* to purifie:

rifie: And the very Day of the Celebration was anciently call'd *Februaca.* (*a*)

The Ceremony was very ſingular and ſtrange.

In the firſt place, there was a Sacrifice kill'd of Goats and a Dog, Then two Children, Noblemens Sons, being brought thither, ſome of the *Luperci* ſtain'd their Fore-heads with the bloody Knife, while others wip'd it off with Locks of Wooll dip'd in Milk: The Boys muſt always laugh after their Fore-heads have been wip'd: This done, having cut the Goats Skins into Thongs, they run about the Streets all naked but their middle, aud laſh all that they meet in their Proceſſion. The young Women never take any care to avoid the Strokes, but rather offer themſelves of their own accord, fanſying them to be great Helpers of Conception and Delivery. (*b*) They run naked, becauſe *Pan* is always painted ſo. They ſacrific'd a Goat, becauſe the ſame Deity was ſuppos'd to have Goat's Feet; which gave occaſion to his common Epithet of *Capripes.* As for the Dog, we meet with in the Sacrifice, 'twas added as a neceſſary Companion of a Shepherd, and becauſe of the natural Antipathy between them and Wolves.

Some have fanſied with *Plutarch*, that theſe *Lupercalia* were inſtituted in Honour of the Wolf that preſerv'd *Romulus* and *Remus.* Others carry their Original much higher, and tell us, that they were brought into *Italy* by *Evander*, before the time of *Æneas.*

There were two Companies of the *Luperci*, the *Fabiani* and *Quinctiliani*; one for *Romulus*, the other for *Remus*: They took ther Names from *Fabius* and *Quinctilius*, two of their Maſters or Chief Prieſts. (*c*) *Dion Caſſius* tells us, that a third ſort of Prieſts, deſign'd for the Celebration of the *Lupercalia*, were inſtituted by the Senate to the Honour of *Julius Cæſar.* (*d*)

Suetonius (*e*) reckons the *Lupercalia* among the ancient Rites and Ceremonies reſtor'd by *Auguſtus*: And *Onuph. Panvinius* aſſures us they continu'd in *Rome* till the time of the Emperor *Anaſtaſius.*

2. *Potitii* and *Pinarii*,] The *Potitii* and *Pinarii* were of equal Antiquity with the the former. They owe their Inſtitution to the ſame Author, upon the following account.

After the killing of *Cacus*, a Gyant that had ſtole ſome of *Hercules*'s Cattle away, the Booty that he brought through *Italy*, from *Spain*; the Shepherds and ignorant People of the Country, gathering in great Flocks about the Stranger, at laſt brought him

(*a*) *Plutarch* in *Romul.* (*b*) *Ibid.* (*c*) *Sext. Pom. Feſtus & Ovid. Faſt.* (*d*) *Lib.* 44. (*e*) in *Auguſt. cap.* 31.

before *Evander*. The King, after Examination, finding him to be in all reſpects the ſame Perſon that his Mother, the Propheteſs *Carmenta*, had told him ſhould come into *Italy*, and be afterwards a God, immediately erected an Altar to his Honour, and offer'd for a Sacrifice a young Bullock that never bore the Yoak; ordaining, that the ſame Ceremony ſhould be repeated in a ſolemn manner every Year. The performance of theſe Rites he committed to the care of the *Potitii* and *Pinarii*, two of the Nobleſt Families, and of beſt Repute in thoſe parts. There goes a Story, that the *Pinarii* happening to come too late to the Sacrifice, ſo as to loſe their ſhare in the Entrails, they were, by way of puniſhment, debarr'd from ever taſting them for the future: And hence ſome derive their Name from πεῖνα, hunger. But this I take to be but a trifling Fancy; for we may as well derive *Potitii* from from *Petiri*, becauſe they enjoy'd the Entrails, as *Pinarii* from πεῖνα, becauſe they wanted them.

We meet with ſomething very remarkable of the *Potitii* in *Livy*, (*a*) and *Valerius Maximus*. (*b*)

That when, upon application made to *Appius Claudius* the Cenſor, they got leave to have their Hereditary Miniſtry diſcharg'd by Servants, in the compaſs of one Year the whole Family was entrely extinct, tho' no leſs than Thirty of them were luſty young Men. And *Appius Claudius* loſt his Eyes as a Judgment for his part in the Offence.

Acca Laurentia, *Romulus* his Nurſe, had a Cuſtom once a Year to make a ſolemn Sacrifice for a Bleſſing upon the Fields: Her Twelve Sons aſſiſting her always in the Solemnity. At laſt ſhe had the ill Fortuner to loſe one of her Sons; when *Romulus*, to ſhew his Gratitude and Reſpect, offer'd himſelf to fill up the number in his room, and gave the Company the Name of *Fratres Arvales*. This Order was in great repute at *Rome*; they held the Dignity always for their Lives, and never loſt it upon account of Impriſonment, Baniſhment, or any other Accident. (*c*) They wore on their Heads, at the time of the Solemnity, Crowns made of Ears of Corn, upon a Tradition that *Laurentia* at firſt preſented *Romulus* with ſuch an one. (*d*) Some will have it, that it was their Buſineſs to take care of the Boundaries, and the Diviſions of Lands, and to decide all Controverſies that might happen about them. Others make a different Order, inſtituted for that purpoſe, and call'd *Sodales Arvales*, on the ſame account as the *Fratres Arvales*.

(*a*) *Lib.* 9. (*b*) *Lib.* 1. *cap.* 1. (*c*) *Plin. lib.* 17. *cap.* 2. (*d*) *Pompon. Lætus de Sacerdotiis.*

CHAP. III.

CHAP. III.

Of the Augurs, Auguries, *&c.*

THE invention of Soothſaying is generally attributed to the *Chaldeans*; from them the Art paſs'd to the *Grecians*; the *Grecians* deliver'd it to the *Tuſcans*, and they to the *Latins* and the *Romans*. The Name of the *Augurs* is deriv'd by ſome, *ab avium geſtu*; by others, *ab avium garritu*: Either from the Motion and Actions, or from the Chirping and Chattering of Brds. *Romulus* was himſelf an extraordinary Proficient in this Art, (*a*) and therefore as he divided his City into Three Tribes, ſo he conſtituted Three *Augurs*, One for every Tribe. There was a Fourth added ſome time after, probably by *Servius Tullius*, who encreas'd the Tribes to that number. Theſe Four being all choſen out of the *Patricii* or Nobility; in the Year of the City 454. the *Tribunes* of the People, with much difficulty procur'd an Order, that Five Perſons, to be elected out of the Commons, ſhould be added to the College. (*b*) Afterwards *Sylla* the *Dictator*, *A. U. C.* 671. made the number up Fifteen. (*c*) The eldeſt of theſe had the command of the reſt, and was honour'd with the Title of *Magiſter Collegii*. (*d*)

Their Buſineſs was to interpret Dreams, Oracles, Prodigies, *&c.* And to tell whether any Action ſhould be fortunate or prejudicial to any particular Perſons, or to the whole Commonwealth. Upon this account they very often occaſion'd the diſplacing of Magiſtrates, the deferring of Publick Aſſemblies, *&c.* when ever the Omens prov'd unluky.

There are Five ſorts of *Auguries* mention'd in Authors.

1. From the Appearances in Heaven; as Thunder, Lightning, Comets, and other Meteors. As ſuppoſe of Thunder, whether it came from the Right or the Left, (the Left in this and all other Obſervations being reputed Fortunate, the Right the contrary:) Whether the number of Stoaks were even or odd, *&c.* Only the Maſter of the College could take this ſort of *Augury*. (*e*)

2. From Birds; whence they had the Name of *Auſpices*, of *avis* and *conſpicio*. Some Birds furniſh'd them with Obſervations

(*a*) *Plutarch.* in *Rom.* (*b*) *Livy lib.* 10. (*c*) *Florus* Epitom. *Liv. lib.* 89. (*d*) *Alex. ab Alex. lib.* 5 *cap.* 19. (*e*) *Alex. ab. Alex. lib.* 5. *cap*, 19.

from their chattering or ſinging, others from their flying. The former they call'd *Oſcines*, the latter *Præpetes*. Of the firſt ſort were Crows, Pies, Owls, *&c*, of the other, Eagles, Vultures, Buzzards, and the like.

For the taking of both theſe ſort of *Auguries*, the Obſerver ſtood upon a Tower with his Head cover'd in a Gown peculiar to his Office, call'd *Læna*, and turning his Face toward the Eaſt, mark'd out the Heavens into Four *Templa*, or Quarters, with his *Lituus*, a ſhort ſtraight Rod, only a little turning in at one end: This done, he ſtaid waiting for the Omen; which never ſignified any thing, unleſs confirm'd by another of the ſame ſort.

3. From Chickens kept in a Coop or Pen for this purpoſe. The manner of divining from them was as follows: Betimes in the Morning the *Augur* that was to make the Obſervation, call'd from hence *Pullarius*, (tho' perhaps the keeper of the Chickens had rather that Name,) in the firſt place commanding a general Silence, order'd the Pen to be open'd, and threw down a handful of Crumbs or Corn. If the Chickens did not immediately run fluttering to the Meat; if they ſcatter'd it with their Wings; if they went by without taking notice of it. or if they flew away, the Omen was reckon'd unfortunate, and to portend nothing but danger or miſchance: But if they leap'd preſently out of the Pen and fell to ſo greedily as to let ſome of their Meat drop out of their Mouths upon the Pavement, there was all the aſſurance in the World of Happineſs and ſucceſs. (*a*) This *Augury* was call'd *Tripudium, quaſi Terri-pavium*, from ſtriking the Earth: The old Word *pavire* ſignifying as much as *Ferire*. We meet with *Tripudium Solliſtimum*, and *Tripudium Sonivium* in *Feſtus*, both deriv'd from the Crumbs falling to the Ground.

4. From Beaſts. Theſe, as *Roſinus* reckons them up, were Wolves, Foxes, Goats, Heifers, Aſſes, Rams, Hares, Weeſles, and Mice. The general Obſervations about them were, Whether they appear'd in a ſtrange place, or croſs'd the way; or, whether they run to the Right or the left, *&c*.

5. The laſt ſort of Divination was from what they call'd *Diræ*, or unuſual Accidents to any Perſon or Place: As Sneezing, Stumbling, ſeeing Apparitions, hearing ſtrange Voices, the falling of Salt upon the Table, the ſpilling of Wine upon one's Clothes, the meeting a Wolf, a Fox, a Hare, a Bitch with Puppy, *&c*,

We may obſerve, that tho' any *Augur* might take an Obſervation, yet the judging of the Omen was left to the deciſion of the whole College. (*b*)

(*a*) *Idem lib.* 1. *cap* 29. (*b*) *Alex. ab Alex. lib.* 1. *cap.* 29. Cicero

Cicero has ſufficiently expos'd theſe *Auguries*, eſpecially that about the Chickens, in his ſecond Book of *Divination*.

The learned Mr. *O. W.* has taken notice, that the Emperors aſſum'd the Office of *Augurs*, as well as of *Pontiffs*, as appears from ſeveral Coins of *Julius*, *Auguſtus*, *Veſpaſian*, *Verus*, &c. which have the *Augurs* Enſigns upon them.

CHAP. IV.

Of the Haruſpices *and* Pontifices.

THE *Haruſpices* had this Name *ab aris aſpiciendis*, from looking upon the Altars; as *ab extis inſpiciendis*, they were call'd *Extiſpices*: They owe their Original to *Romulus*, who borrow'd the Inſtitution from the *Tuſcans*. The *Tuſcans* receiv'd it, as the general Tradition goes, from a Boy that they plough'd up caſually out of the Ground, who oblig'd them with a diſcovery of all the Myſteries belonging to this Art. (*a*) At firſt only the Natives of *Tuſcany* exercis'd this Office at *Rome*; and therefore the Senate made an Order, That Twelve of the Sons of the principal Nobility ſhould be ſent into that Country to be inſtructed in the Rites and Ceremonies of their Religion, of which this Secret was a chief part. (*b*) The buſineſs of the *Haruſpices* was to look upon the Beaſts offer'd in Sacrifice, and by them to divine the ſucceſs of any Enterprize. They took their Obſervations from Four Appearances.

1. From the Beaſts before they were cut up.
2. From the Entrails of thoſe Beaſts after they were cut up.
3. From the Flame that us'd to riſe when they were burning.
4. From the Flower or Bran, from the Frankincenſe, Wine and Water that they us'd in the Sacrifice.

In the Beaſts, before they were cut up, they took notice, Whether they were forc'd to be dragg'd to the Altar; whether they got looſe out of the Leaders Hands; Whether they eſcap'd the Stroke; or bounded up, and roar'd very loud when they receiv'd it; Whether they died with a great deal of difficulty; all which, with ſeveral other Omens, were counted unfortunate: Or whether, on the other ſide, they follow'd the Leader without Compulſion; receiv'd the Blow without ſtruggling and reſiſtance; Whether

(*a*) *Cicero de Divinat. lib.* 2. (*b*) *Idem. de Divinat. lib.* 1.

they died eaſily, and ſent out a great quantity of Blood, which gave the like aſſurance of a proſperous event.

In the Beaſt, when cut up, they obſerv'd the colour of the parts, and whether any were wanting. A double Liver was counted highly unfortunate: A little, or a lean Heart was always unlucky: if the Heart was wholly miſſing, nothing could be thought more fatal and dreadful; as it happen'd in two Oxen together, offer'd by *Julius Cæſar*, a little before his Murder; if the Entrails fell out of the Prieſt's Hands; if they were dawb'd more than ordinary with Blood; if they were of a pale livid colour, they portended ſudden danger and ruin.

As to the Flame of the Sacrifice, it furniſh'd them with a good Omen if it gather'd up violently, and preſently conſum'd the Sacrifice: If it was clear, pure, and tranſparent, without any mixture of Smoak, and not diſcolour'd with red, pale, or black; if it was quiet and calm, not ſparkling or crackling, but run up directly in the ſhape of a Pyramid. On the contrary, it always portended Misfortunes, if at firſt it requir'd much pains to light it; if it did not burn upright, but roll'd into Circles, and left void ſpaces between them; if it did not preſently catch hold on the whole Sacrifice, but crept up by degrees, from one part to another; if it happen'd to be ſpread about by the Wind, or to be put out by ſudden Rain, or to leave any part unconſum'd.

In the Meal, Frankincenſe, Wine and Water, they were to obſerve, whether they had their due quantity, their proper taſte, colour, and ſmell, *&c.*

There were ſeveral leſſer Signs which ſupply'd them with Conjectures too inſignificant to be here mentioned.

Moſt of theſe ill Omens are hinted at by *Virgil. Georg* 3. *v.* 486.

Sæpe in honore Deûm medio ſtans hoſtia ad aram,
Lanea dum niveâ circumdatur infula vittâ,
Inter cunctantes cecidit moribunda miniſtros.
Aut ſi quam ferro mactaverat ante Sacerdos:
Inde neque impoſitis ardent altaria fibris,
Nec reſponſa poteſt conſultus reddere vates:
Ac vix ſuppoſiti tinguntur Sanguine cultri,
Summaque jejunâ ſanie infuſcatur arena.

The Victim Ox that was for Altars preſs'd,
Trimm'd with white Ribbons, and with Garlands dreſs'd,
Sunk of himſelf without the Gods command,
Preventing the ſlow Sacrificer's hand:

Or,

Or, by the Holy Butcher if he fell,
Th' inſpected Entrails cou'd no Fate foretel:
Nor laid on Altars, did pure Flames ariſe,
But Clouds of ſmouldring Smoak forbad the Sacrifice.
Scarcely the Knife was redden'd with his Gore,
Or the black Poyſon ſtain'd the ſandy Floor.

[Mr. *Dryden.*

Yet the Buſineſs of the *Aruſpices* was not reſtrain'd to the Altars and Sacrifices, but they had an equal right to the explaining all other Portents and Monſters. Hence we find them often conſulted by the Senate on extraordinary occaſions, or if the *Roman Aruſpices* lay under a diſrepute, others were ſent for out of *Tuſcany*, where this Craft moſt flouriſh'd, as it was firſt invented.

The College of *Aruſpices* as well as thoſe of the other Religious Orders had their particular Regiſters and Records, ſuch as the Memorials of Thunders and Lightnings, the *Tuſcan* Hiſtories and the like.

There are but Two Accounts of the Derivation of the Name of the *Pontifices*, and both very uncertain; either from *Pons* and *facere*; becauſe they firſt built the *Sublician* Bridge in *Rome*, and had the care of its repair; or from *Poſſe* and *facere*; where *facere* muſt be interpreted to ſignifie the ſame as *Offerre* and *Sacrificare*. The firſt of theſe is the moſt receiv'd Opinion; and yet *Plutarch* himſelf hath call'd it abſurd, (*a*) At the firſt Inſtitution of them by *Numa*, the number was confin'd to Four, who were conſtantly choſe out of the Nobility, till the Year of the City 454. when Five more were order'd to be added out the Commons, at the ſame time as the *Augurs* receiv'd the like Addition. And as the *Augurs* had a College, ſo the *Pontifices* too were ſettled in ſuch a Body. And as *Sylla* afterwards added Seven *Augurs*, ſo he added as many *Pontifices* to the College: The firſt Eight bearing the Name of *Pontifices Majores*, and the other of *Minores*.

The Office of the *Pontifices*, was to give Judgment in all Cauſes relating to Religion; to enquire into the Lives and Manners of the inferior Prieſts, and to puniſh them if they ſaw occaſion; to preſcribe Rules for Publick Worſhip; to regulate the Feaſts, Sacrifices, and all other Sacred Inſtitutions. *Tully* in, in his Oration to them for his Houſe, tells them, That the Honour and Safety of the Commonwealth, the Liberty of the People, the Houſes

(*a*) *In Numa.*

and Fortunes of the Citizens, and the very Gods themſelves were all entruſted to their Care, and depended wholly on their Wiſdom nd Management.

The Maſter or Superintendent of the *Pontifices* was one of the moſt honourable Offices in the Common-wealth. *Numa*, when he Inſtituted the Order, inveſted himſelf firſt with this Dignity, as *Plutarch* informs us; tho' *Livy* attributes it to another Perſon of the ſame Name. *Feſtus* his Definition of this great Prieſt is, *Judex atq; Arbiter rerum humanarum Divinarumq;* The Judge and and Arbitrator of Divine aud Humane Affairs. Upon this account all the Emperors, after the Example of *Julius Cæſar* and *Auguſtus*, either actually took upon them the Office, or at leaſt us'd the Name. And even the *Chriſtian* Emperors for ſome time, retain'd this in the Ordinary enumeration of their Titles; till the time of *Gratian*, who (as we learn from *Zoximus* (*a*) abſolutely refus'd it.

Polidore Virgil (*b*) does not queſtion but this was an infallible Omen of the Authority which the Biſhop of *Rome* enjoys to this Day, under the Name of *Pontifex Maximus*.

(*a*) *Hiſtor. lib.* 4. (*b*) *De rerum invent. lib.* 14. *cap.* 14.

CHAP. V.

Of the Flamines, Rex Sacrorum, Salii, Feciales *and* Sodales.

THE Name of the *Flamines* is not much clearer than the former. *Plutarch* makes it a corruption of *Pilamines* from *Pileus*, a ſort of Cap proper to the Order. *Varro*, *Feſtus* and *Servius* will have it contraction of *Filamines*, from *Filum*; and tell us, that finding their Caps too heavy and troubleſome, they took up a lighter ſort of wear, only binding a parcel of Thread about their Heads. Others derive the Word from *Flamma*, or *Flammeum*, a ſort of *Turban*, which they make them to have worn; tho' this generally ſignifies a Woman's Veil. *Roſinus* and Mr. *Dodwel* declare for the ſecond of theſe Opinions. *Polydore Virgil* has given his Judgment in favor of the third. (*c*)

(*a*) *De invent. rer. lib.* 4. *cap.* 14.

Numa

Numa at firſt diſcharg'd ſeveral Offices of Religion himſelf, and deſign'd that all his ſucceſſors ſhould do the like: But becauſe he thought the greateſt part of them would partake more of *Romulus* his Genius than his own; and being engag'd in War-like Enterprizes, might incapacitate themſelves for this Function, he inſtituted theſe *Flamines* to take care of the ſame Services, as by right belong'd to the Kings. (*a*).

The only Three conſtituted at firſt, were *Flamen Dialis*, *Martialis*, and *Quirinalis*. The firſt was Sacred to *Jupiter*; and a Perſon of the higeſt Authority in the Common-wealth: He was oblig'd to obſerve ſeveral ſuperſtitious Reſtraints, as well as honour'd with ſeveral eminent Privileges beyond other Officers; which are reckon'd up at large by *Gellius*, (*b*) The ſame Author tells us, That the Wife of this *Flamen* had the Name of *Flaminica*, and was entruſted with the care of ſeveral Ceremonies peculiar to her place.

But to be ſure, the greatneſs of the Dignity was ſufficiently diminiſh'd in ſucceeding times; otherwiſe we can't imagine that *Julius Cæſar* ſhould have been inveſted with it at Seventeen Years of Age, as *Sueton* (*c*) aſſures us he was: Or that *Sylla* ſhould have ſo eaſily driven him from his Office, and from his Houſe.

The other Two were of leſs, yet of very eminent Authority; ordain'd to inſpect the Rites of *Mars* and *Romulus*. All Three were choſe out of the Nobility. Several Prieſts of the ſame Order, tho' of inferiour Power and Dignity, were added in latter times; the whole number being generally computed at Fifteen. Yet *Feneſtella* (or the Author under his Name) aſſures us from *Varro*, That the old *Romans* had a particular *Flamen* for every Deity they worſhipp'd. (*d*)

Tho' the *Flamen Dialis* diſcharg'd ſeveral Religious Duties that properly belong'd to the Kings; yet we meet with another Officer of greater Authority, who ſeems to have been purely deſign'd for that Employment: And this was the *Rex Sacrificulus*, or *Sacrorum*. *Dionyſius* gives us the Original of this Inſtitution as follows: *Becauſe the Kings had in a great many reſpects been very ſerviceable to the State, the Eſtabliſhers of the Common-wealth thought it very proper to keep always the Name of King in the City. Upon this account they order'd the* Augurs *and* Pontifices *to chuſe out a fit Perſon, who ſhould engage never to have the leaſt hand in Civil Affairs, but devote himſelf wholly to the care of the Publick Worſhip and Ceremonies of Religion, with the Title of* Rex Sacrorum. (*e*) And

(*a*) *Livy lib.* 1. (*b*) *Noct. Att. lib.* 10. *cap.* 15. (*c*) *cap.* 1. (*d*) *De Sacerdotiis cap.* 5. (*e*) *Antiq. lib.* 5.

Livy

Livy informs us. That the Office of *Rex Sacrorum* was therefore made inferior to that of *Pontifex Maximus*, for fear that the Name of King, which had been formerly ſo odious to the People, might, for all this reſtraint, be ſtill in ſome meaſure prejudicial to their Liberty. *(a)*

Salii.] The Original of the *Salii* may be thus gather'd from *Plutarch*. In the Eighth Year of *Numa*'s Reign, a terrible Peſtilence, ſpreading it ſelf over *Italy*, among other places miſerably infeſted *Rome*. The Citizens were almoſt grown deſperate, when they were comforted on a ſudden by the report of a brazen Target, which (they ſay) fell into *Numa*'s Hands from Heaven. The King was aſſur'd by the Conference he maintain'd with the Nympth *Egeria* and the Muſes, that the Target was ſent from the Gods for the Cure and Safety of the City; and this was ſoon verified by the miraculous ceaſing of the Sickneſs. They adviſ'd him too to make Eleven other Targets, ſo like in their Dimenions and Form to the Original, that in caſe there ſhould be a deſign of ſtealing it away, the true might not be diſtinguiſh'd or known from thoſe which were counterfeited; by which means it would be more difficult to defeat the Counſels of Fate, in which it had been determin'd, That, while this was preſerv'd, the City ſhould prove happy and victorious. This difficult Work one *Veturius Mamurius* very luckily perform'd, and made Eleven others that *Numa* himſelf could not know from the firſt. They were work'd into an oval Form, with ſeveral Folds or Pleats cloſing one over another. They exactly fitted the Elbow by their Figure; and were thence call'd *Ancylia*, from Ἀγκύλη, which ſignifies a crooked ſhape; or from the Cubit, that part of the Arm between the Wriſt and the Elbow, upon which they carry'd the *Ancylia*. *(b)* For the keeping of theſe, *Numa* inſtituted an Order of Prieſts, call'd *Salii*, *à Saliendo*, from leaping or dancing. They liv'd all in a Body, and compos'd a College, conſiſting of the ſame number of Men as the Bucklers they preſerv'd. The three Seniors govern'd the reſt; of whom the firſt had the Name of *Præſul*; the ſecond of *Vates*; and the other of *Magiſter*. *(c)* In the Month of *March* was their great Feaſt, when they carry'd their Sacred Charge about the City. At this Proceſſion, they were habited in a ſhort Scarlet Caſſock, having round them a broad Belt clasp'd with Braſs Buckles. On their Head they wore a ſort of Copper-Helmet. In this manner they went on with a nimble motion, keeping juſt meaſures with their Feet, and demonſtrating great Strength

(a) *Livy lib.* 2. (b) *Plutarch* in *Num.* (c) *Alex. ab Alex. lib.* 1. *cap.* 26.

and

and Agility, by the various and handſom turns of their Body. (*a*) They ſung all along a ſet of old Verſes call'd the *Carmen Saliare*; the firſt Form of which was compos'd by *Numa*. They were ſacred to *Mars*, (the *Ancylia* or Targets being parts of Armour) who from them took the Name of *Saliſubſulus* - And therefore upon account of the extraordinary noiſe and ſhaking that they made in their Dances, *Catullus*, to ſignifie a ſtrong Bridge, has us'd the Phraſe.

In quo vel Saliſubſuli Sacra fiunto. (*b*)

Unleſs the Conjecture of *Voſſius* be true, that *Saliſubſulus* is here a corruption from *Salii ipſulis*; the Performers in thoſe Dances, bearing with them among other Superſtitious Trifles, a ſort of thin Plates work'd into the ſhapes of Men and Women, which they call'd *ipſiles* or *ſubſiles*, and *ipſulæ* or *ſubſulæ*. Upon admitting this Opinion, *Mars* muſt loſe his Name of *Saliſubſulus*; and *Pacuvius* cannot relieve him; becauſe the Verſe with this word in it, commonly cited from that old Poet, is thought (by *Voſſius* at leaſt) to be a meer Fiction of *Muretus*'s, who was noted for this kind of Forgery. See *Voſſ.* in *Catul.* p. 46.

Tho' the Month of *March* (dedicated to that God) was the proper time for carrying the *Ancylia* about; yet if at any time, a juſt and lawful War had been proclaim'd by Order of the Senate, againſt any State or People, the *Salii* were in a ſolemn manner, to move the *Ancylia*, as if by that means they rouz'd *Mars* from his Seat, and ſent him out to the aſſiſtance of their Arms. (*c*)

Tullus Hoſtilius afterwards increas'd the College with Twelve more *Salii*, in purſuance of a Vow he made in a Battel with the *Sabines*. And therefore for diſtinction's ſake, the Twelve firſt were generally call'd *Salii Palatini*, from the *Palatine* Mountain, whence they begun their Proceſſion; the other *Salii Collini* or *Agonenſes*, from the *Quirinal* Hill, ſometimes call'd *Mons Agonalis*; where they had a Chappel on one of the higheſt Eminences of the Mountain. (*d*)

Alexander ab Alexandro has obſerv'd, that the Entertainments of theſe Prieſts upon their ſolemn Feſtivals, were exceeding coſtly and magnificent, with all the variety of Muſick, Garlands, Perfumes, &c. (*e*) And therefore *Horace* uſes *dapes Saliares* (*f*) for delicate Meats, as he does *Pontificum cœnæ* (*g*) for great Regalio's.

(*a*) *Plutarch.* in *Num.* (*b*) *Catul. Carm.* 17. (*c*) *Alex. ab Alex. lib.* 1. *cap.* 26. (*d*) *Dionyſ. Halic. lib.* 3. (*e*) *Gen. Diet. lib.* 1. *cap.* 26. (*f*) *Lib.* 1. *Od.* 37. (*g*) *Lib.* 1. *Od.* 14.

Feciales.]

Feciales.] The *Feciales Varro* derives from *Fides*, becauſe they had the care of the publick Faith in Leagues and Contracts. Others bring the word *à fœdere faciendo* on the ſame account. Their Original in *Italy* was very ancient. *Dionyſius Halicarn.* finds them among the *Aborigines.* under the Name of ἀποθέτους, *libaminum latores*: And *Virgil* intimates as much in ſeveral places. *Numa* firſt inſtituted the Order at *Rome* (*a*) conſiſting of Twenty Perſons, (*b*) choſe out of the eminenteſt Families in the City, and ſettled in a College. 'Tis probable he rank'd them among the Officers of Relgion, to procure them the more Deference and Authority, and to make their Perſons more Sacred in the Commonwealth.

Their Office was to be the Arbitrators of all Controverſies relating to War and Peace; nor was it lawful on any account to take up Arms till they had declar'd all Means and Expedients rejected that might tend to an Accommodation. In caſe the Republick had ſuffer'd any Injury from a Foreign State, they diſpatched theſe *Feciales*, who were properly Heralds, to demand ſatisfaction; who, if they could procure no reſtitution or juſt return, calling the Gods to witneſs againſt the People and Country, immediately denounc'd War; otherwiſe they confirm'd the Alliance that had been formerly made, or engag'd in a new one. (*c*) But the Ceremonies us'd upon both theſe occaſions, will fall more properly under another Head. 'Tis enough to obſerve here, that both the Affairs were manag'd by theſe Officers, with the conſent of the Senate and People.

As to the *Pater Patratus*, 'tis not eaſie to determine whether he was a conſtant Officer, and the chief of them *Feciales*; or whether he was not a Temporary Miniſter, elected upon account of making a Peace or denouncing War, which were both done by him. *Roſinus* makes him the conſtant Governour, or Maſter of the *Feciales.* (*d*) *Feneſtella*, (or the Author under his Name) a diſtinct Officer altogether. (*e*) *Pomponius Lætus*, (*f*) and *Polydore Virgil* (*g*) tell us, That he was only choſe by one of the *Feciales*, out of their one Body, upon ſuch occaſions as we mention'd but now. The latter Opinion may be defended by the Authority of *Livy*, who, in order to the Treaty with the *Albans* before the triple Combat of the *Horatii* and *Curiatii*, makes one of the *Feciales* chuſe a *Pater Patratus* to perform that Ceremony. (*h*) The Perſon to be entruſted with this Office muſt have been one had a

(*a*) *Dionyſ. Livy.* (*b*) *Alex. ab Alex. lib.* 5. *cap.* 3. (*c*) *Plutarch.* in *Num.* (*d*) *Lib.* 3. *cap.* 21. (*e*) *De Sacerdot. Rom. cap.* 6. (*f*) *De Sacerdot. Rom. cap.* 6. (*g*) *De Invent. Rer. lib.* 4. *cap.* 14. (*h*) *Lib.* 1. *cap.* 24.

Father

Father and a Son both alive; and therefore *Pater Patratus* is no more than a perfecter ſort of Father, as they imagin'd him to be, whoſe own Father was ſtill living after he himſelf had been a Father for ſome time. Perhaps too they might fanſie him to be the fitteſt Judge in Affairs of ſuch Conſequence, who could ſee as well behind as before him. (*a*)

Tho' the Members of any Collegiate Body, and particularly the Free Tradeſmen of the ſeveral Companies, are often call'd *Sodales*; yet thoſe who challeng'd that Name by way of Eminence, were Religious Officers, inſtituted to take care of the Feſtivals and Annual Honours of Great Perſons Deceas'd. The firſt of this Order were the *Sodales Titii*, created to ſuperviſe the Solemnities in memory of *Tatius* the *Sabine* King. *Tiberius* founded a College of the ſame Nature, and gave the Members the Title of *Sodales Auguſtales*; their Buſineſs was to inſpect the Rites paid to *Auguſtus Cæſar* after his Death; and to perform the ſame good Offices to the whole *Julian* Family, as the old *Sodales Titii* preſerv'd the Sacred Memorials of all that *Sabine* Race.

Afterwards we meet with the *Sodales Antoniniani Helviani*, *Alexandrini*, &c. inſtituted on the like accounts, but ſo reſtrain'd to the Service of the particular Emperors, that the *Antoniani*, for example, were divided into the *Pii Lucii*, *Marci*, &c. according to the proper Name of the Prince on whoſe Honours they were to attend. *Vid.* Dodwel *Prælect.* 1. *ad* Spartian. Hadrian. *S.* 5.

(*a*) *Plutarch* in *Quæſtion. Roman.*

CHAP. VI.

Of the Veſtals.

THE Inſtitution of the *Veſtal Virgins* is generally attributed to *Numa*; tho' we meet with the *Sacred Fire* long before, and even in the time of *Æneas*. But perhaps *Numa* was the firſt who ſettled the Order, and built a Temple to the *Goddeſs* in *Rome*. (*b*) Their Office was to attend upon the Rites of *Veſta*, the chief part (*c*) being the preſervation of the Holy Fire, which

(*b*) *Virgil Æneid. lib.* 2. *verſe* 297. (*c*) *Plutarch. & Dionyſius.*

Numa,

Numa, fanſying Fire to be the firſt Principle of all things, committed to their Charge. *Ovid* tells us, that they underſtood nothing elſe but Fire by *Veſta* her ſelf.

Nec tu aliud Veſtam *quàm vivam intellige flammam* (*a*)

Tho' ſometimes he makes her the ſame as the Earth.

——— *Tellus* Veſtaq; *numen idem eſt.* (*b*)

Polydore Virgil reconciles the Two Names by obſerving, that Fire, or the natural heat by which all things are produc'd, is enclos'd in the Earth. (*c*)

They were oblig'd to keep this Fire with all the care in the World; and if it happen'd to go out; 'twas thought Impiety to light it at any common Flame, but they made uſe of the pure and unpolluted Rays of the Sun. (*d*) Every Year on the firſt of *March*, whether it had gone out or no, they always lighted it a-new. (*e*) There were other Relicks and Holy Things under their Care, of which we have very uncertain Accounts; particularly the famous *Palladium* brought from *Troy* by *Æneas*; for *Ulyſſes* and *Diomedes* ſtole only a counterfeit one, a Copy of the other, which was kept with leſs care.

Dionyſius and *Plutarch* aſſure us, that *Numa* conſtituted only Four Virgins for this Service; and that the ſame number remain'd ever after. And therefore a great Antiquary is certainly miſtaken when he makes the Number increas'd to Twenty. (*f*)

They were admitted into this Society between the Years of Six and Ten; and were not properly ſaid to be elected or created, but *Captæ*, taken; the *Pontifex Maximus* taking her that he lik'd by the Hand, and leading her, as it were by force, from her Parents. (*g*)

The chief Rules preſcrib'd them by their Founder, were to Vow the ſtricteſt Chaſtity for the ſpace of Thirty Years. The firſt Ten they were only Novices, oblig'd to learn the Ceremonies, and perfect themſelves in the Duties of their Religion. The next Ten Years they actually diſcharg'd the Sacerdotal Function; and ſpent the remaining Ten in teaching and inſtructing others. After this Term was compleated, they had liberty to leave the

(*a*) *Faſt. 6. ver.* 291. (*b*) *Faſt. 6. ver.* 460. (*c*) *De Invent. Rer. lib.* 4. *cap.* 14. (*d*) *Plutarch.* in *Num.* (*e*) *Alex. ab Alex. lib.* 5. *cap.* 12. *Macrob. Saturnal. lib.* 1. *cap.* 12. (*f*) *Alex. ab Alex. ibid.* (*g*) *A Gell. lib.* 1. *cap.* 12.

Order

Order, and choſe any Condition of Life that beſt ſuited with their Inclinations: Tho' this was counted unlucky, and therefore ſeldom put in practice. Upon Commiſſion of any leſſer Faults, they were puniſh'd as the *Pontifex Maximus* (who had the care of them) thought fit. But if they broke their Vow of Virginity, they were conſtantly buried alive in a place without the City-Walls, allotted for that peculiar uſe, (*a*) and thence call'd *Campus Sceleratus*, as *Feſtus* informs us.

But this ſevere Condition was recompenc'd with ſeveral Privileges and Prerogatives. Whenever they went abroad, they had the *Faſces* carried before them, (*b*) a Conſul, or the *Prætor* being oblig'd to give them the way. (*c*) And if in their Walk they caſually lighted upon a Malefactor leading to Execution, they had the favour to deliver him from the Hands of Juſtice, provided they made Oath that their meeting was purely accidental, without any Contract or Deſign. (*d*)

(*a*) *Plutarch. in Num.* (*b*) *Ibid.* (*c*) *Alex. ab Alex. lib.* 5. *cap.* 12. (*d*) *Plutarc. hin Num.*

CHAP. VII.

Of the Duumviri, Decemviri *and* Quindecemviri, *Keepers of the* Sibylline *Writings, and of the* Corybantes *or Prieſts of* Cybele, *and the* Epulones.

THE firſt of theſe Orders, famous only on account of the Relicks they preſerv'd, owe their Original to this occaſion. A ſtrange old Woman came once to *Tarquinius Superbus* with Nine Books; which, ſhe ſaid, were the Oracles of the *Sibyls*, and proffer'd to ſell them. But the King making ſome ſcruple about the price, ſhe went away and burnt Three of them; and returning with the Six, ask'd the ſame Summ as before. *Tarquin* only laugh'd at the Humour, Upon which the old Woman left him once more; and after ſhe had burnt Three others, came again with them that were left, but ſtill kept to her old Terms. The King begun now to wonder at her obſtinacy, and thinking there

there might be ſomething more than ordinary in the Buſineſs, ſent for the *Augurs* to conſult what was to be done. They, when their Divinations were perform'd, ſoon acquainted him what a piece of Impiety he had been guilty of, by refuſing a Treaſure ſent to him from Heaven, and commanded him to give whatever ſhe demanded for the Books that remain'd. The Woman receiv'd her Money, and deliver'd the Writings; and only charging them by all means to keep them Sacred, immediately vaniſh'd. Two of the Nobility were preſently after, choſe to be the Keepers of theſe Oracles, which were laid up with all imaginable care in the *Capitol*, in a Cheſt under Ground. They could not be conſulted without a ſpecial Order of the Senate, which was never granted, unleſs upon the receiving ſome notable defeat, upon the riſing of any conſiderable Mutiny, or Sedition in the State, or upon ſome other extraordinary occaſion; (*a*) ſeveral of which we meet with in *Livy*. (*b*)

They had the common Name of *Duumviri* (*Decemviri*, or *Quindecemviri*) *Sacris faciundis*.

The number of Prieſts, in this, as in moſt other Orders, was ſeveral times alter'd. The *Duumviri* continu'd till about the Year of the City 388. when the Tribunes of the People perferr'd a Law, that there ſhould be Ten Men elected for this Service, part out of the Nobility, and part out of the Commons. We meet with the *Decemviri* all along from hence, till about the time *Sylla* the Dictator, when the *Quindecemviri* occur: Which addition of Five Perſons may with very good reaſon, be attributed to him, who encreas'd ſo many of the other Orders. 'Twere needleſs to give any farther account of the *Sibyls*. than that they are generally agreed to have been Ten in number; for which we have the Authority of *Varro*; tho' ſome make them Nine, ſome Four, ſome Three, and ſome only One. (*c*) They all liv'd in different Ages and Countries, were all Propheteſſes; and, if we believe the common Opinion, foretold the coming of our Saviour. As to the Writing, *Dempſter* tells us, 'twas in Linnen. (*d*) But one would think the common Phraſe of *Folia Sibyllæ* us'd by *Virgil*, *Horace*, and other credible Authors, ſhould argue, that they wrote their Propheſies in Leaves of Trees; eſpecially if we conſider the great Antiquity which is generally allow'd them, and are aſſur'd at the ſame time by *Pliny*, (*e*) that this was the oldeſt way of writing.

(*a*) *Dionyſ. Antiq. lib.* 4. (*b*) *particularly Lib.* 3. *cap.* 10. *Lib.* 5. *cap.* 13. *lib.* 7. *cap.* 28. *Lib.* 4. *cap.* 21. (*c*) *Vid. Dempſter ad Roſin. lib.* 3. *cap.* 24. (*d*) *Ibid.* (*e*) *Lib.* 33. *cap.* 11.

Solinius

Solinus acquaints us, That theſe Books, which *Tarquin* bought, were burnt in the Conflagration of the Capitol, the Year before *Sylla*'s Dictatorſhip. (*a*) Yet there were others of their inſpir'd Writings, or at leaſt Copies or Extracts of them, gather'd up in *Greece* and other parts, upon a ſpecial ſearch made by Order of the Senate; which were kept with the ſame Superſtition as the former, 'till about the time of *Theodoſius* the Great, when the greateſt part of the Senate having embrac'd the Chriſtian Faith, ſuch Vanities begun to grow out of faſhion; 'till at laſt *Stilicho* burnt them all under *Honorius*: For which he is ſo ſeverely cenſur'd by the noble Poet *Rutilius* in his ingenious *Itinerary*.

Nec tantum Geticis *graſſatus proditor armis,*
Antè Sibyllinæ *fata cremavit* Opis.
Odimus Althæam *conſumpti funere torris*;
Niſæum *crimen flere putantur aves.*
At Stilicho *æterni fatalia pignora libri,*
Et plenas voluit præcipitare colus.

Nor only *Roman* Arms the Wretch betray'd
To barbarous Foes; before that curſed Deed,
He burnt the Writings of the ſacred Maid.
We hate *Althæa* for the fatal Brand;
When *Niſus* fell, the weeping Birds complain'd:
More cruel he than the revengeful Fair;
More cruel he than *Niſus*'s Murderer;
Whoſe impious Hands into the Flames have thrown
The heavenly Pledges of the *Roman* Crown,
Unrav'lling all the Doom that careful Fate had ſpun.

Among all the Religious Orders, as we meet with none oftner in Authors; ſo there were none of ſuch an extravagant Conſtitution as the Prieſts of *Cybele*. We find them under the different Names of *Curetes*, *Corybantes*, *Galli*, and *Idæi Dactyli*; but can get ſcarce one tolerable Etymology of either. As for *Cybele* herſelf, ſhe is generally taken for the Earth, and is the ſame with *Rhea*, *Ops*, *Berecynthia*, the *Idæan Mother*, the *Mother of the Gods*, and the *Great Goddeſs*. She was invited and receiv'd into *Rome*, from *Peſinus* in *Galatia*, with great ſolemnity, upon Advice of the *Sibylline* Oracles. (*c*)

(*a*) *Polyb. Hiſt. cap.* 8. (*b*) *Vide Dionyſ. Antiq. lib.* 4. (*c*) *Liv: lib.* 29. *cap.* 14.

But to return to her Prieſts: We find little of any certainty about them, only that they were all Eunuchs, and by Nation *Phrygians*; and that in their ſolemn Proceſſions they danced in Armour, making a confus'd noiſe with Timbrels, Pipes, and Cymbals; howling all the while as if they were mad, and cutting themſelves as they went along. One would little think that this was the Goddeſs who requir'd ſuch a ſacred Silence in her Myſteries, as *Virgil (a)* wou'd perſuade us ſhe did. And the beſt we could ſuppoſe at the ſight of this Bawling Retinue, is, that they were going to ſettle a Swarm of Bees; for which Service the ſame Poet recommends the uſe of the *Cymbals* of *Cybele. (b)*

But we can't have a better Relation of the original, and the manner of their ſtrange Solemnity, than what *Lucretius* has given us in his Second Book:

Hanc variæ gentes antiquo more Sacrorum
Idæam vocitant Matrem, Phrygiaſque *catervas*
Dant Comites, quia primum ex illis finibus edunt
Per terrarum Orbem fruges cœpiſſe creari.
Gallos attribuunt, quia numen qui violârint
Matris, & ingrati genitoribus inventi ſunt,
Significare volunt indignos eſſe putandos
Vivam progeniem qui in oras luminis edant.
Tympana tenta tonant palmis & cymbala circum
Concava, rauciſonoque minantur cornua cantu,
Et Phrygio ſtimulat numero cava tibia mentes;
Telaque præportant violenti ſigna furoris,
Ingratos animos, atque impia pectora volgi
Conterrere metu quæ poſſint numine divæ.

Hic armata manus (Curetas nomine Graii
Quos memorant Phrygios) *inter ſe forte catervis*
Ludunt, in numerumque exſultant ſanguine fleti:
Terrificas capitum quatientes numine criſtas.
Dictæos referunt Curetas: qui Jovis illum
Vagitum in Cretâ quondam occultâſſe feruntur,
Cùm pueri circum puerum pernice chorêâ
Armati in numerum pulſarent æribus æra,
Ne Saturnus eum malis mandaret adeptus,
Æternumque daret matri ſub pectore vulnus.

(a) *Æneid.* 3. (b) *Georg.* 4.

Con-

Concerning her fond Superſtition, frames
A thouſand odd Conceits, a thouſand Names,
And gives her a large Train of *Phrygian* Dames:
Becauſe in *Phrygia* Corn at firſt took birth,
And thence 'twas ſcatter'd o'er the other Earth.
They Eunuch all her Prieſts; from whence 'tis ſhown
That they deſerve no Children of their own,
Who or abuſe their Sires, or diſreſpect,
Or treat their Mothers with a cold Neglect;
Their Mothers whom they ſhould adore----
Amidſt her Pomp fierce Drums and Cymbals beat,
And the hoarſe Horns with ratling Notes do threat.
The pipe with *Phrygian* Airs diſturbs their Souls,
'Till reaſon overthrown made Paſſion rules.
They carry Arms, thoſe dreadful Signs of War,
To raiſe i'th' impious Rout religious Fear.

Here ſome in Arms dance round among the Crowd,
Look dreadful gay in their own ſparkling Blood,
Their Creſts ſtill ſhaking with a dreadful Nod.
Theſe repreſent thoſe armed Prieſts who ſtrove
To drown the tender Cries of Infant-*Jove*:
By dancing quick they made a greater ſound,
And beat their Armour as they danc'd around,
Leſt *Saturn* ſhould have found, and eat the Boy,
And *Ops* for ever mourn'd her pratling Joy *.

[* Mr. *Creech.*

But we muſt not omit a more Comical, tho' a ſhorter, account that we have of them in *Juvenal*:

------Matriſque Deûm chorus intrat, & ingens
Semivir obſcæno facies reverenda minori,
Mollia qui ruptâ ſecuit genitalia teſtâ,
Jampridem cui rauca cohors, cui tympana cedunt
Plebeia----. (a)

And *Cybele*'s Prieſts, an Eunuch at their Head,
About the Streets a mad Proceſſion led;
The venerable Guelding, large and high,
Oe'er-looks the Herd of his inferiour Fry:

(a) *Sat. 6.*

His awkward Clergymen about him prance,
And beat their Timbrels to their myſtick Dance*.

[*Mr. *Dryden*.

The *Epulones* at their firſt creation, *Livy (a)* aſſures us were only Three: Soon after, they were encreas'd to Seven; whence they are commonly call'd *Septemviri Epulonum*; and ſome report that *Julius Cæſar*, by adding Three more, chang'd them to a *Decemvirate*. They had their Name from a Cuſtom which obtain'd among the *Romans*, to pacifie the Gods, by making a ſumptuous Feaſt in their Temples, to which they did, as it were, invite the Deities themſelves. For their Statues were brought on Rich Beds, with their *Pulvinaria* too, or Pillows and plac'd at the moſt honourable part of the Table as the Principal Gueſts. Theſe *Regalio's* they call'd *Epula*, or *Lectiſternia*; the care of which belong'd to the *Epulones*.

(*a*) *Lib.* 33.

CHAP. VIII.

Of *the* Roman *Sacrifices*.

THE Word *Sacrificium* more properly ſignifies the Thing offer'd, than the action of Offering. The two common Words to expreſs the former, were *Victima* and *Hoſtia*; which though they are very often confounded, yet by the firſt Word are properly meant the greater ſort of Sacrifices, by the other the leſs.

Tho' every Deity had ſome peculiar Rites and Inſtitutions, and conſequently different ſorts of Sacrifices, in which the greateſt part of the publick Worſhip then conſiſted; yet there were ſome ſtanding Rules and Ceremonies to be obſerv'd in all.

The Prieſt (and ſometimes the Perſon that gave the Victim) went before in a white Garment free from all Spots and Figures: For *Cicero* tells us, that White is the moſt acceptable Colour to the Gods; I ſuppoſe becauſe it ſeems to denote Purity and Innocence.

The


Pompa hostiarum victima deferentes
Sacerdotes qui populum lustrant
Victima percussa
Ministri cum Camillis carnes immolandæ plenis
Hostia examinata
Exta imposita
Haruspices
Ministri Sacrorum
ANTIQU
SACRIFICA
ex
Onuph. P



QUORUM
TICANDIRITUS
ex
h. Panvinio

The Beaſt to be ſacrific'd, if 'twas of the larger ſort, us'd to be mark'd on the Horns with Gold; if of the leſſer ſort, it was crown'd with the Leaves of that Tree which the Deity was thought moſt to delight in, for whom the Sacrifice was deſign'd. And beſides theſe, they wore the *Infula* and *Vittæ*, a ſort of white Fillets about their Head.

Before the Proceſſion, went a publick Crier, proclaiming *Hoc age* to the People, to give them notice that they ſhould forbear Working, and attend at the Solemnity. The Pipers and Harpers too were the Fore-runners of the Show; and what time they could ſpare from their Inſtruments, was ſpent in aſſiſting the Crier to admoniſh the People. The Sacrifice being brought to the Altar, the Prieſt took hold of the Altar with one Hand, and uſher'd in the Solemnity with a Prayer to all the Gods; mentioning *Janus* and *Veſta* always firſt and laſt, as if through them they had acceſs to the reſt. During the Prayer, ſome publick Officer was to command the ſtricteſt ſilence, for which the common expreſſion was, *Favete linguis*, a Phraſe us'd by *Horace*, (*a*) *Juvenal*, (*b*) *Tibullus*, (*c*) &c. And the Piper play'd all the while, to hinder the hearing of any unlucky Noiſe. After his Prayer, the Prieſt began the Sacrifice with what they call'd *Immolatio* (though by *Synecdoche*, the Word is often taken for the whole Act of Sacrificing) the throwing ſome ſort of Corn and Frankincenſe, together with the *Mola*, *i. e.* Bran or Meal mix'd with Salt, upon the Head of the Beaſt. In the next place, he ſprinkled Wine between the Horns; a Cuſtom very often taken notice of by the Poets; So *Virgil*:

Ipſa tenens dextrâ pateram pulcherrima Dido
Candentis vaccæ media inter cornua fundit (*d*)

O'er the white Heifer's Horns, the beauteous Queen
Holds the rich Plate, and pours the Wine between.

And *Ovid* more expreſly:

Rode caper vitem, tamen hinc, cùm ſtabis ad aras,
In tua quod fundi cornua poſſit, erit. (*e*)
Go, wanton Goat, about the Vineyard browze
On the young *Shoots*, and ſtop the riſing Juice;
You'll leave enough to pour between your Horns,
When for your ſake the hallow'd Altar burns.

(*a*) *lib.* 3. *Od.* 1. (*b*) *Sat.* 12. (*c*) *Lib.* 2. *Eleg.* 1. (*d*) *Ænid.* 4. *v.* 60. (*e*) *Faſt.* 1.

But

But before he pour'd the Wine on the Beaſt, he put the Plate to his own Mouth, and juſt touch'd it with his Lips, giving it to thoſe that ſtood near him to do the like. This they term'd *Libatio.*

In the next place, he pluck'd off ſome of the rougheſt Hairs growing between the Horns of the Beaſt, and threw them into the Fire, as the *prima Libamina.*

Et ſummas capiens media inter cornua ſetas
Ignibus imponit ſacris, libamina prima. (a)

The briſtling Hairs that on the Forehead grew,
As the firſt Offering on the Fire ſhe threw.

And now turning himſelf to the Eaſt, he only made a ſort of crooked Line with his Knife from the Forehead to the Tail; and then deliver'd the Beaſt to the publick Servants to kill. We find theſe inferiour Officers under the ſeveral Names of *Popæ*, *Agones*, *Cultrarii*, and *Victimarii*: Their Buſineſs, beſides the killing of the Beaſt, was to take off his Skin, to bowel him, and to waſh the whole Body. Then the *Aruſpex* his Duty came in place, to ſearch the Entrails for good or bad Omens. When this was over, the Prieſts had nothing elſe to do, but to lay what Parts they thought fitteſt for the Gods upon the Altars, and to go and regale themſelves upon the reſt. *See* Alex. ab Alex. *lib* 4. *cap.* 17.

(a) *Æneid.* 6. v. 246.

CHAP. IX.

Of the Roman *Year.*

WE meet with three accounts in uſe at ſeveral times among the *Romans*; which owe their Original to *Romulus*, *Numa*, and *Julius Cæſar*. *Romulus* divided his Year into Ten Months, which *Plutarch* would perſuade us had no certain or equal Term, but conſiſted ſome of Twenty Days, ſome of Thirty five, and

and ſome of more. (*a*) But he is generally allow'd to have ſettled the number of Days with a great deal more equality, allotting to *March*, *May*, *Quintilis*, and *October*, One and thirty Days: to *April*, *June*, *Sextilis*, *November*, and *December*, Thirty; making up in all, Three hundred and four Days: (*b*)

Scilicet arma magis quam ſydera, Romule, *noras!*

Scaliger indeed is very angry that People ſhould think the *Romans* had ever any other account than by Twelve Months: (*c*) But 'tis probable that the Teſtimonies of *Varro*, *Macrobius*, *Cenſorinus*, *Ovid*, &c. will over-rule the bare Words of *Licinius Macer*, and the counterfeit *Feneſtella*, which are all he produces. As to the Names of *Romulus*'s Months, the firſt to be ſure was conſecrated to *Mars*, the Father of the State. The next too may be fetch'd from *Venus*, the other Guardian and Parent of the *Romans*, if we admit of the alluſion between the Word *Aprilis*, and Ἀφροδίτη, her Name in *Greek*: Though 'tis generally deriv'd from *Aperio*, to open, becauſe this is the chief part of the Spring in which the Buds and Flowers open and diſcloſe themſelves. (*d*) *May* he named ſo from *Maia* the Mother of *Mercury*, according to *Plutarch* (*e*) though *Macrobius* makes the *Maia*, to whom *May* was dedicated, the ſame as *Rhea*, *Ops*, or the *Earth*, and different from *Mercury*'s Mother. (*f*) *Ovid* brings it *à Senibus*, i. e. *à Majoribus*. (*g*) *June* either comes from *Juventus*, becauſe this is the youthful and gay part of the Year; (*h*) or elſe 'tis a contraction of *Junonius*, and dedicated to the Goddeſs *Juno*. (*i*) The other Months he denominated as they ſtood in order: So *Quintilis* is no more than the Fifth Month, *Sextilis* than the Sixth; and ſo on: But theſe two afterwards chang'd their Names to *July* and *Auguſt*, in honour of *Julius Cæſar* and his Succeſſor *Auguſtus*. As *Nero* had afterwards call'd *April Neroneus* (*k*) ſo *Plutarch* tells us, that *Domitian* too, in imitation of them, gave the Two Months, immediately following, the Names of *Germanicus* and *Domitianus*; but he being ſlain, they recover'd their old Denominations (*l*).

Numa was a little better acquainted with the Cœleſtial Motions than his Predeceſſor; and therefore undertaking to reform the Kalendar, in the firſt place he added the Two Months of *January*

(*a*) *Plut. in Numa.* (*b*) *Macrob. Saturn. lib.* 1. *cap.* 12. *Cenſorin. de die Natali cap.* 20. &c. (*c*) *De Emendat. Tempor. lib* 2. (*d*) *Plut. in Num. Macrob. Sat. lib.* 1. *cap.* 12. (*e*) *In Num.* (*f*) *Sat. lib.* 1. *cap.* 12. (*g*) *Faſt* 1. v. 41. (*h*) *Plut. in Num.* (*i*) *Macrob. ubi ſupra.* (*k*) *Suet. in Ner. cap.* 55. (*l*) *Plut. in Num.*

and *February*; the firſt of which he dedicated to the God *Janus*; the other took its Name from *Februo*, to purifie, becauſe the Feaſts of Purification were celebrated in that Month. (*a*) To compoſe theſe Two Months, he put Fifty Days to the old Three hundred and four, to make them anſwer the Courſe of the Moon; and then took Six more from the Six Months that had even Days, adding One odd day more than he ought to have done, meerly ought of Superſtition, and to make the number fortunate. However, he could get but Eight and twenty Days for *February*; and therefore that Month was always counted unlucky. (*b*) Beſides this, he obſerv'd the difference between the Solar and the Lunar Courſe to be Eleven Days; and to remedy the inequality, he doubled thoſe Days; after every two Years, added an interſtitial Month to follow *Fabruary*, which *Plutarch* calls in one place *Mercidinus*, (*c*) and in another *Mercidonius*. (*d*) But the care of this Intercalation being left to the Prieſts, they clapp'd in, or left out, the Month whenever they pleas'd, as they fanſied lucky, or unlucky, and ſo made ſuch mad work, that the Feſtivals and ſolemn Days for Sacrifice, were remov'd by little and little, 'till at laſt they came to be kept at a Seaſon quite contrary to what they had been formerly. (*e*)

Julius Cæſar was the firſt, that undertook to remedy this diſorder; and to this purpoſe he call'd in the beſt Philoſophers and Mathematicians of his time, to ſettle the point. In order to bringing matters right, he was forc'd to make one confus'd Year of Fifteen Months, and Four hundred forty five Days; but to preſerve a due Regulation for the future, he quite took away the Intercalary Months; and adding Ten Days to *Numa*'s Three hundred fifty five, equall'd them to the Courſe of the Sun, except Six odd Hours. The Ten Days he diſtributed among thoſe Seven Months that had before but Nine and twenty; and as for the Six Hours, he order'd them to be let alone 'till they made up a whole Day; and to every Fourth Year he put in the ſame place where the Month us'd to be inſerted before; (*f*) and that was juſt Five Days before the end of *February*, or next before the Sixth of the Calends of *March*. For this reaſon, the ſupernumerary Day had the Name of *Dies biſſextus*; and thence the Leap-Year came to be call'd *Annus Biſſextilis*.

But the Prieſts, who had been the Authors of the old Confuſion, committed as great a Blunder in the New Computation,

(*a*) *Ibid.* (*b*) *Cenſorin. de die Natali, cap.* 20. (*c*) *In Num.* (*d*) *In Jul. Cæſ.* (*e*) *In Jul. Cæſ.* (*f*) *Cenſorin, cap.* 20.

by

by interpoſing the Leap-Day at the Beginning of every Fourth Year, inſtead of the End; 'till *Auguſtus Cæſar* brought it into the Right Courſe again, (*a*) in which it has continu'd ever ſince, and is follow'd by a great part of *Europe* at this Day.

Yet becauſe there wanted Eleven Minutes in the Six odd Hours of *Julius*'s Year, the *Æquinoxes* and *Solſtices* loſing ſomething continually, were found, about the Year 1582. to have run back Ten whole Days: For which reaſon, Pope *Gregory* at that time undertook a New Reformation of the Kalendar, cutting off Ten Days to bring them to their proper places. This Account they call the *Gregorian*, or New Style, which is obſerv'd too in many parts of *Europe*.

(*a*) *Macrob. Sat. lib.* 1. *cap.* 14. *Sueton. in Auguſt. cap* 31.

CHAP. X.

The Diſtinction of the Roman *Days.*

WHEN *Numa* divided the Year into Twelve Months, he made a diſtinction too in the Days, ranking them in theſe three Orders: *Dies Feſti*, *Profeſti*, and *Interciſi*.

The firſt ſort was conſecrated to the Gods.

The ſecond allotted for the Civil Buſineſs of Men.

The third divided between ſacred and ordinary Employments.

The *Dies feſti* were ſet a-part for the Celebration of theſe Four Solemnities: *Sacrificia*, *Epulæ*, *Ludi*, and *Feriæ*.

Sacrificia, were no more than publick Sacrifices to the Gods.

Epulæ, were a ſort of Banquets celebrated to the Honour of the Deities.

Ludi, were publick Sports inſtituted with the ſame Deſign.

Feriæ, were either publick or private.

The Publick were of four ſorts: *Stativæ*, *Conceptivæ*, *Imperativæ*, and *Nundinæ*.

Feriæ Stativæ, were publick Feaſts kept by the whole City, according to the ſet time mark'd in the Kalendar for their Obſervation; as the *Agonalia*, *Carmentalia*, *Lupercalia*, &c.

Feriæ

Feriæ Conceptivæ, were ſuch as the Magiſtrates, or Prieſts, appointed annually to be celebrated upon what Days they pleas'd; as the *Latinæ*, *Paganalia*, *Compitalia*, &c.

Feriæ Imperativæ, were ſuch as the Conſuls, Prætors, or Dictators, inſtituted by virtue of their own Authority, and commanded to be obſerv'd upon ſolemn Occaſions, as the gaining of a Victory, and the like.

Nundinæ. were Days ſet apart for the concourſe of the People out of the Country and neighbouring Towns, to expoſe their Commodities to ſale, the ſame as our greater Markets or Fairs. They had the Name of *Nundinæ*, becauſe they were kept every Ninth Day, as *Ovid* informs us. (*a*) It muſt be remembred, that though the *Nundinæ* at firſt were of the number of the *Feriæ*, yet they were afterwards by a Law declar'd to be *dies Faſti*, that the Country People might not be hindred in their work, but might at the ſame time perform their Buſineſs of Market and Sale, and alſo have their Controverſies and Cauſes decided by the *Prætor*; whereas otherwiſe they muſt have been forc'd to come to Town again upon the uſual Court-days.

Feriæ privatæ, were Holydays obſerv'd by particular Perſons or Families upon ſeveral Accounts; as Birth-days, Funerals, and the like.

Thus much for the *Dies Feſti.*

The *Profeſti*, were *Faſti*, *Comitiales*, *Comperendini*, *Stati*, and *Præliares.*

Dies Faſti. were the ſame as our Court days; upon which it was lawful for the *Prætor* to ſit in Judgment, and conſequently *Fari tria verba*, to ſay the Three ſolemn Words. *Do*, *Dico*, *Addico*, *I give Laws*, *declare Right*, and *adjudge Loſſes.* All other Days, (except the *interciſi*) were call'd *Nefaſti*; becauſe 'twas not lawful to ſay thoſe Three Words upon them; that is, the Courts were not open. But we may obſerve from a Phraſe of of *Horace*, (*b*) that *Dies nefaſtus* ſignifies an unlucky Day, as well as a Non-Court-day.

Dies Comitiales, were ſuch Days as the *Comitia*, or publick Aſſemblies of the People were held upon: Or, as *Ovid* ſtyles them:

--------*Quo populum jus eſt includere ſeptis.* (*c*)

(*a*) *Faſt.* 1. *verſ.* 54. (*b*) *Lib.* 2. *Od.* 13. (*c*) *Faſt.* 1. *verſ.* 53.

Days

Days when the People are ſhut up to vote.

Dies Comperendini, were Days when Perſons that had been ſu'd might give Bail.

Dies Stati, were Days appointed for the deciſion of any Cauſe between a *Romam* and a Foreigner.

Dies Præliares, were ſuch Days as they thought it lawful to engage in any Action of Hoſtility upon: For during the time of ſome particular Feaſts, as the *Saturnalia*, the *Latinæ*, and that which they call'd *Cùm mundus patet*, conſecrated to *Dis* and *Proſerpine*, they reckon'd it a peice of Impiety, to raiſe, march, or exerciſe their Men, or to encounter with the Enemy, unleſs firſt attack'd.

If we make a Diviſion of the *Roman* Days into Fortunate and Unfortunate; *Dies Poſtriduqni*, or the next Day after the Kalends, Nones, or Ides, were always reckon'd of the latter ſort; and therefore had the Name of *Dies Atri*.

A. Gellius gives us the reaſon of this Obſervation from *Verrius Flaccus*, becauſe they had taken notice for ſeveral Ages, that thoſe Days had prov'd unlucky to the State in the loſs of Battels, Towns, and other Caſualties. (*a*)

He tells us in the ſame place, That the Day before the fourth of the Kalends, Nones, or Ides, was always reckon'd unfortunate; but he does not know for what reaſon, unleſs that he finds the great overthrow at *Cannæ* to have happen'd on ſuch a Day.

(*a*) *Noct. Attic. lib. 5. cap.* 17.

CHAP. XI.

Of the Kalends, Nones, and Ides.

THE way that the *Romans* us'd to reckon the Days of their Months was by the Kalends, Nones, and Ides. *Romulus* begun his Months always upon the firſt day of the new Moon, and was follow'd in this, by the Authors of the other accounts, to avoid the altering of the immoveable Feaſts. Therefore every new Moon, one of the inferiour Prieſts us'd to aſſemble the

the People in the Capitol, and *call* over as many Days as there were between that and the Nones: And ſo from the old Word *Calo*, or the *Greek* καλῶ, to call, the firſt of theſe Days had the Name of *Kalendæ*. But we muſt remember, that this cuſtom of *calling* the Days continu'd no longer than the Year of the City 450, when *C. Flavius* the *Curule Ædile*, order'd the *Faſti*, or Kalendar, to be ſet up in publick Places, that every Body might know the difference of times, and the return of the Feſtivals. (*a*)

The Nones were ſo call'd becauſe they reckon'd Nine Days from them to the Ides.

The Ides were generally about the middle of the Month, and then we may derive the Word from *iduare*, an obſolete Verb, ſignifying to divide.

The Kalends were always fixt to the firſt day of every Month; but the Nones and the Ides in Four Months were on different Days than in the other Eight. For *March*, *May*, *July*, and *October* had Six Nones a piece, the other only Four. Therefore in the firſt, the Nones were the 7th, and the Ides the 15th; in the laſt, the Nones the 5th, and the Ides the 13th.

In reckoning theſe, they alwaies went backwards. Thus *January* 1. was the *firſt of the Kalends* of *January*: *December* 31. *Prid. Kal. Jan. December* 30. the third *Kal. Jan.* and ſo on to the 13th; and that was *Idus Decembris*; then the 12. *Prid. Iduum Decemb.* the 11.th, 3 *Iduum Decemb.* and ſo to the fifth Day, and that was *Nonæ Decemb.* And then again the 4th *Prid. Nonarum Decemb.* the third 3 *Non. Decemb.* the ſecond 4 *Non. Docem.* and the firſt *Kalendæ Decemb.*

We muſt obſerve, that when we meet with *Kalendas*, *Nonas*, or *Idus* in the Accuſative Caſe, the Prepoſition *ante* is always underſtood: As *tertio Kalendas*, *Idus* or *Nonas*, is the ſame as *tertio die ante Kal. Non.* or *Idus.*

(*a*) *Livy*, *lib*, 5. *cap.* 46.

CHAP

CHAP. XII.

The moſt Remarkable Feſtivals of the Romans *as they ſtand in the Kalendar.*

THE Kalends, or the firſt day of *January* was noted for the entring of the Magiſtrates on their Office; and for the wiſhing of good Fortune, and ſending Preſents to one another among Friends. (*a*)

February the 15th, or the Fifteenth of the Kalends of *March* was the Feaſt of the *Lupercalia*, when the *Luperci* made their wild Proceſſion, (*b*) which has been deſcrib'd before. *February* the 11th, or the third of the *Ides*, was the *Feralia*, or Feaſt in honour of the Ghoſts; when People carried ſome little ſort of Offering to the Graves of their deceas'd Friends. *Ovid* gives us ſo handſom an account of it, that we muſt not paſs him by.

Eſt honor & tumulis, animas placare paternas, (*c*)
Parvaq; in exſtructas munera ferre pyras.
Parva petunt manes: pietas pro divite grata eſt
Munere, non avidos Styx habet ima Deos.
Tegula porrectis ſatis eſt velata coronis,
Et ſparſæ fruges, parvaq; mica ſalis.

Tombs have their Honours too: Our Parents crave
Some ſlender Preſent to adorn their Grave.
Slender the Preſent which the Ghoſts we owe;
Thoſe Powers obſerve not what we give, but how;
No greedy Souls diſturb the happy Seats below.
They only ask a Tile with Garlands crown'd,
And Fruit and Salt to ſcatter on the Ground.

The Day after the *Feralia*, was the *Chariſtia* or Feſtival of Love, when all the Relations in every Family met together and had a Feaſt.

The Kalends of *March* was the *Matronalia*, a Feaſt kept by the *Roman* Matrons to the Honour of *Mars*; to whom they

(*a*) *Ovid. Faſt.* 1. *v.* 71, &c. (*b*) *Ovid. Faſt.* 2. *v.* 267, &c. (*c*) *Ibid. v.* 533, &c.

thought

thought themſelves oblig'd for the Happineſs of bearing of good Children; a Favour which he firſt conferr'd on his own Miſtreſs, *Rhea.* (*a*)

On the ſame Day began the ſolemn Feaſt of the *Salii*, and their Proceſſion with the *Ancylia*, which have been ſpoken of before.

The *Ides* of *March* was the Feaſt of *Anna Perenna*; in Honour either of the Siſter of *Dido*, who fled into *Italy* to *Æneas*; or of one *Anna*, an old Gentlewoman, that, in a great Dearth at *Rome*, for ſome time furniſh'd the common People with Corn out of her own Store. The Celebration of this Day conſiſted in drinking and Feaſting largely among Friends. The common People met for this purpoſe in the Fields near the *Tiber*, and, building themſelves Booths and Arbours, kept the Day with all manner of Sports and Jollity; wiſhing one another to live as many Years as they drunk Cups. (*b*)

The ſame Day was by a Decree of Senate order'd to be call'd *Parricidium* from the Murder of *Julius Cæſar* which happen'd on it. (*c*) *Appian*, in his Second Book, tells us of a very different Law that *Dolobella* the Conſul would have preferr'd upon this occaſion; and that was, to have the Day call'd ever after, *Natalis Urbis* (the Birth day of the City;) as if their Liberty had reviv'd upon the Death of *Cæſar*.

March the 19th, or the 14th of the Kalends of *April*, begun the *Quinquatrus*, or *Quinquatria*, the Feaſt of *Minerva*, continuing Five Days. 'Twas during this Solemnity, that the Boys and Girls us'd to pray to the Goddeſs for Wiſdom and Learning, of which ſhe had the Patronage: To which Cuſtom *Juvenal* alludes.

Eloquium & famam Demoſthenis aut Ciceronis
Incipit optare, & totis Quinquatribus optat. (*d*)

To rival *Tully* or *Demoſthenes*,
Begins to wiſh in the *Quinquatrian* Days,
And wiſhes all the Feaſt——

April the 19th, or the 13th of the Kalends of *May*, was the *Cerealia*, or Feaſt of *Ceres*, in which Solemnity the chief Actors were the Women. No perſon that mourn'd was allow'd to bear

(*a*) *Ovid. Faſt.* 3. *v.* 233. (*b*) *Ibid. v.* 523. &c. (*c*) *Sueton. in Jul. cap.* 88. (*d*) *Sat.* 10.

a part in this Service; and therefore 'tis very remarkable, that upon the defeat at *Cannæ*, there was ſuch an univerſal Grief in the City, that the Anniverſary Feaſt of *Ceres* was forc'd to be omitted. (*a*)

April the 21ſt, or the 11th of the Kalends of *May* was the *Palilia*, or Feaſt of *Pales*, Goddeſs of Shepherds. This is ſometimes call'd *Parilia à pariendo*, becauſe Prayers were now made for the fruitfulneſs of the Sheep. *Ovid* tells us a very tedious courſe of Superſtition that the Shepherds run through upon this Day. They always contriv'd to have a great Feaſt at Night; and when moſt of them were pretty merry, they concluded all with dancing over the Fires that they made in the Field with heaps of Stubble. (*b*)

The ſame Day was call'd *Urbis natalis*, being the Day on which the City was built. (*c*)

April the 25th, or the 7th of the Kalends of *May* was the *Robigalia*, or Feaſt of the Goddeſs *Robigo*, or the God *Robigus*, who took care to keep off the Mildew and Blaſting from the Corn and Fruit. (*d*)

April 29th, or the 5th of the Kalends of *May* was the *Floralia*, or Feaſt of *Flora*, Goddeſs of Flowers, (*e*) when the publick Sports were celebrated that will be hereafter deſcrib'd.

In the remaining part of the Year, we meet with no Feſtival of extraordinary note, except the *Poplifugium* and the *Saturnalia*.

The Original of the famous *Nonæ Caprotinæ*, or *Poplifugium*, is doubly related by *Plutarch*, according to the Two common Opinions. Firſt, becauſe *Romulus* diſappear'd on that Day, when an Aſſembly being held in the *Palus Capreæ*, or *Goatſmarch*: on a ſudden happen'd a moſt wonderful Tempeſt, accompanied with terrible Thunder, and other unuſual Diſorders in the Air. The common People fled all away to ſecure themſelves: but after the Tempeſt was over, could never find their King. (*f*)

Or elſe from *Caprificus* a wild Fig-Tree, becauſe in the *Gallic* War, a *Roman* Virgin, who was Priſoner in the Enemies Camp, taking the opportunity when ſhe ſaw them one night in a diſorder, got up into a wild Fig-tree, and holding out a lighted Torch toward the City, gave the *Romans* a Signal to fall on; which

(*a*) *Livy. lib.* 22. (*b*) *Ovid. Faſt.* 4. v. 721, &c. (*c*) *Ibid. v.* 806. (*d*) *Ibid. v.* 901. (*e*) *Ibid.* v. 943. (*f*) *Plutarch. in Romul.*

they

they did with ſuch good Succeſs as to gain a conſiderable Victory. (*a*)

The Original of the *Saturnalia*, as to the time, is unknown, *Macrobius* aſſuring us, that it was celebrated in *Italy* long before the building of *Rome*. (*b*) The Story of *Saturn*, in whoſe Honour it was kept, every Body is acquainted with. As to the manner of the Solemnity, beſides the Sacrifices and other parts of publick Worſhip, there were ſeveral leſſer Obſervations worth our notice. As the Liberty now allow'd to Servants to be free and merry with their Maſters, ſo often alluded to in Authors. 'Tis probable this was done in Memory of the Liberty enjoy'd in the Golden Age under *Saturn*, before the Names of Servant or Maſter were known to the World. Beſides this, they ſent Preſents to one another among Friends: No War was to be proclaim'd, and no Offender executed: The Schools kept a Vacation, and nothing but Mirth and Freedom was to be met with in the City. They kept at firſt only one Day, the 14th of the Kalends of *January*: But the number was afterwards encreas'd to Three, Four, Five, and ſome ſay Seven Days. (*c*)

(*a*) *Plutarch. in Romul. & in Camill.* (*b*) *Macrob. Saturn. lib.* 1. *cap.* 7. (*c*) *Lipſi. Saturnal. lib.* 1. *cap.* 3.

PART

PART II.

BOOK III.

Of the Civil Government *of the* Romans.

CHAP I.

Of the general Diviſions of the People.

ROMULUS, as ſoon as his City was tolerably well fill'd with Inhabitants, made a diſtinction of the People according to Honour and Quality; giving the better ſort the Name of *Patres*, or *Patricii*, and the reſt the common Title of *Plebeii*. To bind the Two Degrees more firmly together, he recommended to the *Patricians* ſome of the *Plebeians* to protect and countenance; the former being ſtyl'd *Patroni*, and the others *Clientes*. The *Patrons*, were always their *Clients* Counſellors in litigious Caſes, their Advocates in Judgments; in ſhort, their Adviſers and Overſeers in all Affairs whatever. On the other ſide, the *Clients* faithfully ſerv'd their *Patrons*, not only paying them all imaginable reſpect and deference, but, if occaſion requir'd, aſſiſting them with Money towards the defraying of any extraordinary Charges. But afterwards, when the State grew rich and great, though all other good Offices continu'd between them, yet 'twas thought a diſhonourable thing for the better Sort to take any Money of their Inferiours. (*a*)

(*a*) *Vide Dionyſ. lib.* 2. *Liv. lib.* 1. *Plutarch. in Romulo.*

The Diviſion of the People into the three diſtinct Orders of *Senators*, *Knights*, and *Commons*, took its riſe about the time of *Tarquin's* expulſion. The *Senators* were ſuch Perſons as had been promoted to ſit in the Supreme Council of State, either out of the *Nobility* or *Commons*. If out of the latter Order, they had the honour of a Gold Ring, but not of a Horſe kept at the Publick Charge; as *Manutius* has nicely obſerv'd. The *Knights* were ſuch Perſons as were allow'd a Gold-Ring and a Horſe at the Publick Charge. The *Commons* were all the reſt of the People, beſides theſe Two Orders, including not only the inferiour Populacy, but ſuch of the Nobility too as had not yet been elected *Senators*, and ſuch of the Gentry as had not a compleat Knight's Eſtate: For Perſons were admitted into the two higher Ranks according to their Fortunes; one that was worth Eight hundred *Seſtertia*, was capable of being choſe *Senator*; one that had Four hundred, might be taken into the *Equeſtrian* Order. *Auguſtus* afterwards alter'd the *Senatorian* State to Twelve thouſand *Seſterces*; but the *Equeſtrian* continu'd the ſame.

The three common Terms by which the Knights are mention'd in *Roman* Authors, are *Eques*, *Equeſtris ordinis* and *Equeſtri loco natus*. Of which the two former are in all reſpects the very ſame. But the latter is properly applied to thoſe *Equites*, whoſe Fathers were indeed of the ſame Order, but had never reach'd the Senatorian Dignity. For if their Fathers had been Senators, they would have been ſaid to have been Born of the Senatorian, and not of the Equeſtrian rank. *(a)*

When we find the *Optimates* and the *Populares* oppos'd in Authors, we muſt ſuppoſe the former to have been thoſe Perſons, of what Rank ſo ever, who ſtood up for the Dignity of the chief Magiſtrates, and the rigorous Grandeur of the State; and who car'd not if the Inferior members ſuffer'd for the Advancement of the Commanding Powers. The latter we muſt take likewiſe, for thoſe Perſons of what Rank ſoever, who Courted the favour of the Commons, by encouraging them to ſue for greater Privileges, and to bring things nearer to a Level. For it would be unreaſonable to make the ſame diſtinction betwixt theſe Parties, as *Sigonius*, and others lay down. "That the *Populares* were "thoſe who endeavour'd by their Words and Actions to Ingra-"tiate themſelves with the Multitude; and the *Optimates* thoſe "who ſo behav'd themſelves in all Affairs, as to make their

(a) *Vid. P. Manut. de Civ. Rom. p. 5.*

"Con-

"Conduct approv'd by every good Man. This explication agrees much better with the ſound of the Words, than with the Senſe of the things. For at this rate, the *Optimates* and the *Populares* will be only other Terms for the Virtuous and the Vicious; and it would be equally hard in ſuch large diviſions of Men, to acknowlege one ſide to have been wholly Honeſt, and to affirm the other to have been entirely Wicked. I know that this Opinion is built on the Authority of *Cicero*; but if we look on Him, not only as a prejudic'd Perſon, but as an Orator too, we ſhall not wonder, that in diſtinguiſhing the two Parties, he gave ſo infamous a Mark to the Enemies. and ſo honourable an one to his own. Otherwiſe, the Murderers of *Cæſar*, (who were the *Optimates*,) muſt paſs for Men of the higheſt probity; and the Followers of *Auguſtus*, (who were of the oppoſite Faction) muſt ſeem in general a pack of profligate Knaves. It would therefore be a much more moderate Judgement, to found the difference, rather on Policy than on Morality rather on the Principles of Government, than of Religion and Private Duty.

There's another common Diviſion of the People into *Nobiles*, *Novi*, and *Ignobiles*, taken from the right of uſing Pictures, or Statues; an Honour only allow'd to ſuch whoſe Anceſtors or themſelves had bore ſome *Curule* Office; that is, had been *Curule Ædile*, *Cenſor*, *Prætor*, or *Conſul*. He that had the Pictures, or Statues, of his Anceſtors, was term'd *Nobilis*; he that had only his own, *Novus*; he that had neither, *Ignobilis*. So that *Jus imaginis* was much the ſame thing among them, as the Right of Bearing a Coat of Arms among us: And their *Novus Homo* is equivalent to our upſtart Gentleman.

For a great while none but the *Patricii* were *Nobiles*, becauſe no Perſon unleſs of that Superior Rank, could bear any *Curule* Office. Hence in many places of *Livy*, *Salluſt* and other Authors, we find *Nobilitas* uſed for the *Patrician* Order, and ſo oppos'd to *Plebs*. But in after times, when the Commons obtain'd a right of enjoying thoſe *Curule* Honours, they by the ſame means procur'd the title of *Nobiles*, and left it to their Poſterity. (a)

Such Perſons as were free of the City, are generally diſtinguiſh'd into *Ingenui*, *Liberti*, and *Libertini*. The *Ingenui* were ſuch as had been born free, and of Parents that had been always free. The *Libertini* were the Children of ſuch as had been

(a) *Vid Sigon. de Jur. Civ. Rom. l.* 2. *c.* 20.

made free. *Liberti*, ſuch as had been actually made free themſelves.

The two common Ways of conferring Freedom, were by *Teſtament*, and by *Manumiſſion*. A Slave was ſaid to be free by *Teſtament*, when his Maſter, in conſideration of his faithful Service, had left him free in his laſt Will: Of which Cuſtom, we meet with abundance of Examples in every Hiſtorian.

Theſe kind of *liberti* had the title of *Orcini* becauſe their Maſters were gone to *Orcus*. In alluſion to which Cuſtom, when after the Murther of *Julius Cæſar*, a great number of unworthy Perſons had thruſt themſelves into the Senate, without any juſt Pretenſions, they were merrily diſtinguiſh'd by the Term of *Senatores Orcini*. (*a*)

The Ceremony of *Manumiſſion* was thus perform'd: The Slave was brought before the Conſul, and in after-times before the *Prætor*, by his Maſter, who laying his Hand upon his Servant's Head, ſaid, to the *Prætor*, *Hunc hominem liberum eſſe volo*; and with that, let him go out of his Hand, which they term'd *è manu emittere*. Then the *Prætor* laying a Rod upon his Head, call'd *Vindicta*, ſaid, *Dico eum liberum eſſe more Quiritum*. Hence *Perſius*,

Vindictâ poſtquam meus a Prætore receſſi.

After this the *Lictor* taking the Rod out of the *Prætor*'s Hand, ſtruck the Servant ſeveral Blows on the Head, Face, and Back; and nothing now remain'd but *Pileo donari*, to receive a Cap in token of Liberty, to have his Name enter'd in the Common Roll of Freemen, with the reaſon of his obtaining that Favour.

There was a third way of beſtowing freedom, which we do not ſo often meet with in Authors; it was when a Slave by the conſent and approbation of his Maſter, got his Name to be inſerted in the *Cenſor*'s Roll, ſuch a Man was call'd *liber cenſu*; as the two already mention'd were *liber teſtamento* and *liber manumiſſione*.

(*a*) *Sueton. in Octav. cap.* 35.

CHAP.

CHAP. II.

Of the SENATE.

THE Chief Council of State, and, as it were, the Body of Magiſtrates, was the *Senate*; which as it has been generally reckon'd the Foundation and Support of the *Roman* Greatneſs; ſo it was one of the earlieſt Conſtitutions in the Republick: For *Romulus* firſt choſe out a Hundred Perſons of the beſt Repute for Birth, Wiſdom, and Integrity of Manners, to aſſiſt him in the Management of Affairs, with the Name of *Senators*, or *Patres*, from their Age and Gravity; a Title as Honourable, and yet as little ſubject to Envy, as could poſſibly have been pitch'd upon. After the Admiſſion of the *Sabines* into *Rome*, an equal number of that Nation were join'd to the former Hundred. (*a*) And *Tarquinius Priſcus*, upon his firſt Acceſſion to the Crown, to ingratiate himſelf with the Commons, order'd another Hundred to be ſelected out of that Body, for an addition to the *Senate*, (*b*) which before had been ever fill'd with Perſons of the higher Ranks. *Sylla* the *Dictator* made them up above Four hundred; *Julius Cæſar* Nine hundred; and in the time of the Second *Triumvirate*, there were above a Thouſand; no diſtinction being made with reſpect to Merit or Quality. But this Diſorder was afterwards rectified by *Auguſtus*, and a Reformation made in the *Senate*, according to the old Conſtitution. (*c*)

The right of naming *Senators* belong'd at firſt to the Kings; afterwards the *Conſuls* choſe, and referr'd them to the People for their Approbation: But at laſt the *Cenſors* engroſs'd the whole Privilege of conferring this Honour. He that ſtood firſt in the *Cenſor*'s Roll, had the Honourable Title of *Princeps Senatûs*, (*d*) which he kept during Life: Yet the Chief Magiſtrates, as the Conſuls, Dictator, &c. were always his Superiours in the Houſe.

Beſides the Eſtate of Eight hnudred, or after *Auguſtus* of Twelve hundred *Seſtertia*, no Perſon was capable of this Dignity, but one that had already born ſome Magiſtracy in the Common-

(*a*) *Dionyſ. lib.* 2. (*b*) *Idem, lib.* 3. (*c*) *Sueton. in Auguſt. cap.* 35. (*d*) *Vid. A. Gell. lib.* 3. *cap.* 18.

wealth. And that there was a certain Age (even in later times) requir'd, is plain from the frequent uſe of *Ætas Senatoria* in Authors. *Dio Caſſius* poſitively limits it to Five and twenty, (*a*) which was the ſooneſt time any one could have diſcharged the *Quæſtorſhip*, the firſt Office of any conſiderable Note: Yet we meet with very many Perſons promoted to this Order, without any conſideration had to their Years; as it uſually happen'd in all other Honours whatever.

As to the general Title of *Patres Conſcripti* given them in Authors, it was taken up as a mark of Diſtinction, proper to thoſe Senators who were added to *Romulus*'s Hundred, either by *Tarquinius Priſcus*, or by the People upon the eſtabliſhment of the Common-wealth: But in after-times, all the Number were promiſcuouſly ſtyl'd *Patres*, and *Patres Conſcripti*.

We may take a farther View of the Senators, conſider'd all together as a Council or Body.

The Magiſtrates, who had the Power of aſſembling the *Senators*, were only the *Dictator*, the *Conſuls*, the *Prætors*, the *Tribunes* of the Commons, and the *Interrex*. Yet upon extraordinary accounts, the ſame Privilege was allow'd to the *Tribuni Militum, inveſted with Conſular Power*, and to the *Decemviri*, created for the regulating the Laws: And to other Magiſtrates choſen upon ſome unuſual occaſion. In the firſt times of the State, they were call'd together by a Publick Crier; but when the City grew larger, an Edict was publiſh'd to command their Meeting. (*b*)

The Places where they aſſembled were only ſuch as had been formally conſecrated by the *Augurs*, and moſt commonly within the City; only they made uſe of the Temple of *Bellona* without the Walls, for the giving Audience to foreign Ambaſſadors, and to ſuch *Provincial* Magiſtrates as were to be heard in open *Senate*, before they entred the City; as when they petition'd for a Triumph, and the like caſes. *Pliny* too has a very remarkable Obſervation, that whenever the *Augurs* reported that *an Ox had ſpoke*, which we often meet with among the ancient Prodigies, the *Senate* were preſently to ſit *ſub Dio*, or in the open Air. (*c*)

As for the time of their Sitting, we muſt have recourſe to the common diſtinction of *Senatus legitimus*, and *Senatus indictus*. The former was when the *Senate* met of courſe, upon ſuch Days as the Laws or Cuſtom oblig'd them to. Theſe were the *Ka-*

(*a*) *Lib.* 52. (*b*) *P. Manut. de Senat. Rom.* (*c*) *Plin. Nat. Hiſt. lib.* 8. *cap.* 45.

lends,

lends, *Nones*, and *Ides* in every Month, 'till the time of *Auguſtus*, who confin'd them to the *Kalends* and *Ides*. In the Months of *September* and *October*, by an Order of the ſame Emperour, no Obligation was laid upon the Senators to appear, only ſo many of them as were requir'd by Law, to compoſe a fit number for the Management of any Buſineſs; and therefore all that time they took their Fortunes by Lott, as *Suetonius* informs us. (*a*) We may obſerve from the ſame Author, that the *Ides* of *March* (call'd *Parricidium*, from the Murder of *Julius Cæſar* which happen'd on it) was particularly excepted; and a Decree paſs'd, That the Senate ſhou'd never meet on that Day for the future. (*b*)

Senatus indictus, was a *Senate* call'd for the diſpatch of any Buſineſs upon any other Day, except the *Dies Comitiales*, when the *Senators* were oblig'd to be preſent at the *Comitia*.

As ſoon as the *Senate* was ſet, the *Conſul*, or other ſupreme Magiſtrate, in the firſt place, perform'd ſome Divine Service, and then propos'd the Buſineſs to the Houſe: Both which Actions they call'd *referre ad Senatum*. (*c*)

When he had open'd the Cauſe, he went round in order (beginning with the *Princeps Senatûs*, or the *Deſign'd Conſuls*) and ask'd every body's Opinion; upon which, all that pleas'd, ſtood up, and gave their Judgment upon the Point.

'Tis very remarkable, that when any *Senator* was ask'd his Opinion, he had the privilege of Speaking as long as he pleas'd, as well about other Concerns as about the Matter in hand: And therefore when any particular Member had a Deſign to hinder the paſſing of any Decree, 'twas a common practice to protract his Speech, 'till 'twas too late to make any determination in the Houſe.

When as many as thought fit had given their Judgments at large, the ſupreme Magiſtrate made a ſhort Report of their ſeveral Opinions; and then in order to paſſing the Decree, order'd the *Senators* to divide, one Party to one ſide of the Houſe, and the oppoſite to the other. The number being now told, the major part determin'd the Caſe; and a *Senatus-conſultum* was accordingly wrote by the publick Notaries at the feet of the Chief Magiſtrate, being ſubſcrib'd by the principal Members that promoted it.

But in Caſes of little Concern, or ſuch as requir'd expedition, the formality of asking Opinions, and debating the Buſineſs, was

(*a*) *In Octav. cap.* 35, (*b*) *Idem in Jul. Cæſ. cap* 88. (*c*) *P. Manut de Senat. Rom.*

laid aſide, and a Decree paſs'd upon the bare Diviſion of the Houſe, and the counting of the Numbers on both Sides. This was call'd *Senatus-conſultum per diſceſſionem factum*; the former ſimply *Senatus-conſultum*, (*a*)

Julius Capitolinus ſpeaks of a ſort of *Senatus-conſulta*, not deſcrib'd by any other Author; which he calls *Senatus-conſulta tacita*; and tells us they were made in reference to Affairs of great Secrecy, without the admittance of the very Publick Servants; but all the Buſineſs was done by the Senators themſelves, after the paſſing af an Oath of Secreſie, 'till their Deſign ſhou'd be effected. (*b*)

There were ſeveral things that might hinder the paſſing of a Decree in *Senate*; as in caſe of an *interceſſio*, or interpoſing. This was commonly put in practice by the *Tribunes* of the Commons, who reckon'd it their Privilege: But it might be done too, by any Magiſtrate of equal Authority with him that propos'd the Buſineſs to the Houſe: Or elſe when the Number requir'd by Law for the paſſing of any Bill was not preſent: For that there was ſuch a fix'd Number, is very evident, though nothing of certainty can be determin'd any farther about it.

In both theſe caſes, the Opinion of the major Part of the *Senators* was not call'd *Senatus-conſultum*, but *Authoritas Senatus*; their *Judgment*, not their *Command*; and ſignified little, unleſs it was afterwards ratified, and turn'd into a *Senatus-conſultum*, as uſually happen'd. (*c*) Yet we muſt have a care of taking *Authoritas Senatus* in this ſenſe, every time we meet with it in Authors. For unleſs, at the ſame time, there be mention made of an *Interceſſio*, it is generally to be underſtood, as another Term for a *Senatus Conſultum*; and ſo *Tully* frequently uſes it.

Beſides theſe two Impediments, a Decree of Senate cou'd not paſs after Sun-ſet, but was deferr'd 'till another Meeting.

All along, 'till the Year of the City 304. the written Decrees were in the cuſtody of the *Conſul*, who might diſpoſe of them as he thought proper, and either ſuppreſs or preſerve them: But then a Law paſs'd, that they ſhould be carried always for the future to the *Ædiles Plebis*, to be laid up in the Temple of *Ceres*: (*d*) Yet we find, that afterwards they were for the moſt part preſerv'd in the Publick Treaſury. (*e*)

It may be farther obſerv'd, that beſides the proper *Senators*, any Magiſtrate might come into the Houſe during their Honour;

(*a*) *P. Manut. de Sen.* (*b*) *Jul. Capitolin. in Gordian.* (*c*) *P. Manut. de Sen.* (*d*) *Liv. lib.* 3. (*e*) *Vide Ciceron. Philipp.* 5. *Sueton. in Auguſt. Tacit. Annal.* 3.

and

and they who had born any *Curule* Office, after its expiration. But then none of thoſe who came into the Houſe purely upon account of their Magiſtracy, were allow'd the Privilege of giving their Judgments upon any matter, or being numbred among the Perſons who had Votes. Yet they tacitly expreſs'd their Mind, by going over to thoſe *Senators* whoſe Opinions they embrac'd; and upon this account they had the Name of *Senatores Pedarii.*

There was an old Cuſtom too, in the Common-wealth, That the Sons of *Senators* might come into the Houſe, and hear the Proceedings. This, after it had been abrogated by a Law, and long diſus'd, was at laſt reviv'd by *Auguſtus*; who in order to bring in the young Noblemen the ſooner to the Management of Affairs, order'd that any *Senator*'s Son, at the time of his putting on the *Toga Virilis.* ſhou'd have the Privilege of uſing the *Latus Clavus*, and of coming into the Senate. (*a*)

(*a*) *Sueton. in Auguſt. cap.* 38.

CHAP. III.

Of the general Diviſions of the Magiſtrates; and of the Candidates for Offices.

NOT to ſpeak of the different Forms of Government which obtain'd among the *Romans*, or to decide the caſe of Preeminency between them, we may in the next place, take a ſhort view of the Chief Magiſtrates under them all. Of theſe we meet many general Diviſions; as in reſpect of Time, *Magiſtratus ordinarii*, and *extraordinarii*; with reference to the Perſons, *Patricii*, *Plebeii*, and *Mixti*; from their Quality, *Majores*, and *Minores*; from their manner of appearing in Publick, *Curules*, and *Non Curules*; and laſtly, from the place of their Reſidence, *Urbani*, and *Provinciales.* (*a*) If we'd pitch upon the cleareſt and the moſt compendious Method, we muſt rank them according to the laſt Diſtinction, and deſcribe in order the moſt remarkable of the Civil Offices at home and abroad. But it will be expected, that we firſt give ſome account of the Perſons that ſtood

(*a*) *Lipſius de Magiſtrat. cap.* 2.

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Candidates for theſe Honours. They borrow'd the Name of *Candidati* from the *Toga Candida*, in which they were habited at the time of their appearing for a Place. They wore this looſe Gown open and ungirted, without any cloſe Garment under; which ſome interpret as done with deſign to avoid any ſuſpicion the People might have of Bribery and Corruption: But *Plutarch* (*a*) thinks it was either to promote their Intereſt the better, by ſuing in ſuch an humble Habit: Or elſe that ſuch as had received Wounds in the Service of their Country, might the more eaſily demonſtrate thoſe Tokens of their Courage and Fidelity; a very powerful way of moving the Affections of the People. But he diſallows the Reaſon above-mention'd, becauſe this Cuſtom prevail'd in *Rome* many Ages before Gifts and Preſents had any influence on the Publick Suffrages; a Miſchief of which he attributes, in a great meaſure, the ruin of the Common-wealth.

They declar'd their Pretenſions generally about a Year before the Election; all which time was ſpent in gaining and ſecuring of Friends. For this purpoſe, they us'd all the Arts of Popularity, making their Circuits round the City very often; whence the Phraſe, *Ambire Magiſtratum*, had its riſe. In their Walks, they took the meaneſt Perſons by the Hand; and not only us'd the more Familiar Terms of Father, Brother, Friend, and the like, but call'd them too by their own proper Names. In this Service, they had uſually a *Nomenclator*, or *Monitor*, to aſſiſt them, who whiſper'd every body's Name in their Ears. For though *Plutarch* tells us of a Law which forbad any Candidate to make uſe of a Prompter; yet at the ſame time he obſerves, that *Cato* the Younger was the only Perſon who conform'd to it, diſcharging the whole Buſineſs by the help of his own Memory. (*b*)

They had reaſon to be very nice and cautious in the whole Method of their Addreſs and Convaſs, for an affront, or perhaps a jeſt put upon the moſt inconſiderable fellow, who was Maſter of a Vote, might ſometimes be ſo far reſented by the Mob, as to turn the Election another way. There is a particular ſtory told of *Scipio Naſica*, which may confirm this remark: When he appear'd for the Place of Curule *Ædile*, and was making his Circuit to encreaſe his party, he lighted upon an honeſt plain Countryman, who was come to Town, to give his Vote among the reſt; and finding, as he ſhook him by the hand, that the Fleſh was very hard and callous, *prithee friend*

(*a*) *In Coriolan.* (*b*) *Plut. in Cato Uticenſ.*

(ſay's

(ſay's he) *do'ſt uſe to walk upon thy Hands?* The Clown was ſo far from being pleas'd with this peice of Wit, that he complain'd of the Affront, and loſt the Gentleman the Honour which he ſued for.

Such Perſons as openly favour'd their Deſigns, have been diſtinguiſh'd by the Names of *Salutatores*, *Deductores*, and *Sectatores*. (*a*) The firſt ſort only paid their Compliments to them at their Lodgings in the Morning; and then took their Leave. The ſecond waited upon them from thence, as far as to the *Forum*. The laſt compos'd their Retinue thro' the whole Circuit. *Pliny* has oblig'd us with a farther remark, That not only the Perſons who ſtood for an Office, but ſometimes too, the moſt conſiderable Men of their Party went about in the ſame formal manner, to beg Voices in their behalf: And therefore when he'd let us know his great Diligence in promoting the Intereſt of one of his Friends, he makes uſe of the ſame Phraſes, which are commonly applied to the Candidates themſelves; as, *Ambire Domos*, *Prendare amicos*, *Circumire ſtationes*, (*b*) &c.

The Proceedings in the Elections will fall more properly under the account of the Aſſemblies where they were manag'd.

(*a*) *Roſin. lib.* 7. *cap.* 8. (*b*) *Plin. Epiſt. lib.* 2. *ep.* 9.

CHAP. IV.

Of the Conſuls.

THE Conſular Office began upon the expulſion of the *Tarquins* in the Year of the City 244. There are ſeveral Derivations given of the Word; that of *Cicero à Conſulendo* (*a*) is generally follow'd. Their Power was at firſt the ſame as that of the Kings, only reſtrain'd by Plurality of Perſons, and ſhortneſs of time: Therefore *Tully* calls it *Regium Imperium*, (*b*) and *Regia Poteſtas*. (*c*) In War they commanded in chief over Citizens and Aſſociates; nor were they leſs abſolute in Peace, having the Government of the Senate it ſelf, which they aſſembled or diſmiſs'd at their Pleaſure. And tho' their Authority was very much impair'd, firſt by the Tribunes of the People, and afterwards upon the Eſtabliſhment of the Empire; yet they were ſtill employ'd in conſulting the Senate, adminiſtring Juſtice, ma-

(*a*) *Cicero de leg, lib.* 3. (*b*) *Ibid.* (*c*) *Idem de Petitione Conſulatûs.*

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naging publick Games, and the like; and had the Honour to characterize the Year by their own Names.

At the first institution, this Honour was confin'd to the Nobility; but in the Year of the City 387, the Commons obtain'd the Privilege of having one of their own Body always an Associate in this Office. Sometimes indeed the Populacy were so powerful as to have both Consuls chose out of their Order; but, generally speaking, one was a Nobleman, and the other a Commoner.

No person was allow'd to sue for this Office, unless he was present at the Election, and in a private Station; which gave occasion to the Civil Wars between *Pompey* and *Cæsar*; as has been already observ'd. The common Age requir'd in the Candidates was Forty two Years. This *Cicero* himself acquaints us with, if we allow a little scope to his way of speaking, when he says, that *Alexander* the Great, dying in his Thirty third Year, came Ten Years short of the Consular Age. (*a*) But sometimes the People dispens'd with this Law, and the Emperors took very little notice of the Restraint.

The time of the *Consuls* Government before *Julius Cæsar*, was always a compleat Year: But he brought up a Custom of substituting *Consuls* at any time for a Month or more, according as he pleas'd. Yet the *Consuls*, who were admitted the first of *January*, denominated the Year, and had the Title of *Ordinarii*; the others being styled *Suffecti*. (*b*)

The chief Ornaments and Badges of their Authority were the White Robe-edg'd with Purple, call'd *Prætexta*; which in after times they chang'd for the *Toga Palmata*, or *Picta*, which before had been proper only to such Persons as had been honour'd with a Triumph: And the Twelve *Lictors*, who went before one of them one Month, and the other the next, carrying the *Fasces* and the *Securis*. The latter of which, tho' *Valerius Poplicola* took away from the *Fasces*, yet it was soon after added again.

Their Authority was equal; only in some lesser matters, he had the Precedency, according to the *Valerian* Law, who was oldest; and he, according to the *Julian Law*, who had most Children.

(*a*) *Vid. Ciceron. Philip.* 5. (*b*) *Vide Dio. lib.* 43. *Suetom. in Julio, cap*, 76, &c.

CHAP.

CHAP. V.

Of the Dictator *and his Maſter of the Horſe.*

THE Office of *Dictator* was of very early Original: For the *Latines* entring on a Confederacy againſt *Rome* to ſupport *Tarquin*'s Cauſe after his Expulſion, the Senate were under great apprehenſions of danger, by reaſon of the difficulty they found in procuring Levies to oppoſe them. For the poorer Commons, who had been forc'd to run themſelves into debt with the *Patricians*, abſolutely refus'd to liſt themſelves, unleſs an Order of Senate might paſs for a general Remiſſion. Now the Power of Life and Death being lately taken from the Conſuls by the *Valerian* Law, and liberty given for an Appeal from them to the People, they could not compel any body to take up Arms. Upon this account, they found it neceſſary to create a Magiſtrate, who for Six Months ſhould rule with abſolute Authority even above the Laws themſelves. The firſt Perſon pitch'd upon for this Honour was *Titus Largius Flavus*, about *A. U. C.* 253, or 255, (*a*)

This ſupreme Officer was call'd *Dictator*, either becauſe he was *Dictus*, named of the Conſul; or elſe, from Dictating and Commanding what ſhould be done. (*b*) Tho' we ſometimes meet with the naming of a *Dictator* upon a ſmaller Account, as the holding the *Comitia* for the Election of Conſuls, the Celebration of Publick Games, the *fixing* the *Nail* upon *Jove*'s Temple, (which they call'd *clavum pangere*, and was us'd in the times of primitive Ignorance, to reckon the number of the Years, and in the time of later Superſtition for the averting or driving away Peſtilences and Seditions) and the like; yet the true and proper *Dictator* was he, who had been inveſted with this Honour upon the occaſion of dangerous War, Sedition, or any ſuch Emergency as requir'd a ſudden and abſolute Command. (*c*) And therefore he was not choſe with the uſual Formalities, but only named in the Night, *vivâ voce*, by the Conſul, (*d*) and confirm'd by the Divination from Birds. (*e*) The time aſſign'd for the duration of the Office was never lengthned, except out of

(*a*) *Dionyſ. Antiq. lib.* 5. *Liv. lib.* 2. (*b*) *Ibid.* (*c*) *Lipſ. de Magiſtrat. cap.* 17. (*d*) *Liv. lib.* 4. (*e*) *Cicero de Leg. lib.* 3.

meer

meer neceſſity: And as for the perpetual *Dictatorſhips* of *Sylla* and *Julius Cæſar*, they are confeſs'd to have been notorious Violations of the Laws of their Country. There were Two other Confinements which the *Dictator* was oblig'd to obſerve. Firſt, he was never to ſtir out of *Italy*, for fear he ſhould take advantage of the diſtance of the place, to attempt any thing againſt the common Liberty. (*a*) Beſides this, he was always to march on foot; only upon account of a tedious or ſudden Expedition he formally ask'd leave of the People to ride. (*b*) But ſetting a-ſide theſe Reſtraints, his Power was moſt abſolute. He might proclaim War, levy Forces, lead them out, or disband them without any conſulation had with the Senate: He could puniſh as he pleas'd; and from his Judgment lay no Appeal; (*c*) at leaſt not till in later times. To make the Authority of his Charge more awful, he had always Twenty four bundles of Rods, and as many Axes carried before him in Publick, if we will believe *Plutarch* (*d*) and *Polybius* (*e*). Tho' *Livy* attributes the firſt riſe of this cuſtom to *Sylla*. (*f*) Nor was he only inveſted with the joynt Authority of both the *Conſuls*; (whence the *Grecians* call'd him Διύπατον, or *Double Conſul*;) but during his Adminiſtration, all other Magiſtrates ceas'd, except the Tribunes; and left the whole Government intruſted in his Hands. (*g*)

This Office had the repute to be the only Safeguard of the Common-wealth in times of danger Four hundred Years together: 'Till *Sylla* and *Cæſar* having converted it into a Tyranny, and rendred the very Name odious: Upon the murder of the laſt, a Decree paſs'd in the Senate, to forbid the uſe of it upon any account whatever for the future. (*h*)

The firſt thing the *Dictator* did, was to chuſe a *Magiſter Equitum*, or Maſter of the Horſe, (he himſelf being in ancient times, by a more general name term'd *Magiſter Populi*) who was to be his Lieutenant-general in the Army, but could act nothing without his expreſs Order. Yet in the War with *Hannibal*, when the ſlow Proceedings of *Fabius Maximus* created a Suſpicion in the Commons, they voted, that *Minutius*, his Maſter of the Horſe, ſhould have an equal Authority with *Fabius* himſelf, and be, as it were, another *Dictator*. (*k*) The like was afterwards practis'd in the ſame War upon the Defeat at *Cannæ*, when the Dictator, *M. Junius*, being with the Army, *Fabius Buteo* was

(*a*) *Dio. Hiſt. lib.* 36. (*b*) *Plutarch. in Fab. Max.* (*c*) *Dionyſ. Antiq. lib.* 8. (*d*) *In Fab. Max.* (*e*) *Hiſt. lib.* 3. (*f*) *Epitom. lib.* 89. (*g*) *Plut. in Fab. Max.* (*h*) (*i*) *Dio, lib.* 44 *Appian lib.* 3. (*k*) *Plutarch. in Fab, Max. Polybius, lib.* 3.

choſe

choſe a ſecond *Dictator* at *Rome*, to create new Senators for the ſupplying of their places, who had been kill'd in the Battel: Though as ſoon as ever the Ceremony was over, he immediately laid down his Command, and acted as a private Perſon. (*a*)

There was another Expedient us'd in caſes of extreme emergency, much like this Cuſtom of creating a *Dictator*; and that was, to inveſt the Conſuls, and ſometimes the other chief Magiſtrates as the Prætors, Tribunes, &c. with an abſolute and uncontrollable Power. This was perform'd by that ſhort yet full Decree of Senate, *Dent operam Conſules*, &c. *ne quid detrimenti capiat reſpublica. Let the Conſuls*, &c. *take care that the Commonwealth ſuffer no damage.*

(*a*) *Plutarch. ibid.*

CHAP. VI.

Of the Prætors.

THE Original of this Office, inſtituted in the Year of the City 389. is owing to two occaſions: Partly becauſe the *Conſuls* being very often wholly taken up with foreign Wars, found the want of ſome Perſon to adminiſter Juſtice in the City; and partly becauſe the Nobility, having loſt their appropriation of the Conſulſhip, were ambitious of procuring to themſelves ſome new Honour in its room. (*a*) At the firſt only, one was created, taking his Name *à præeundo*; and for the ſame reaſon moſt of the old *Latins* call'd their Commanders *Prætores*: And the *Conſuls* are ſuppos'd to have us'd that Title at their firſt inſtitution. *A. V. C.* 501 another *Prætor* was added; and then one of them applied himſelf wholly to the preſerving of Juſtice among the Citizens, with the Name of *Prætor Urbanus*, while the other appointed Judges in all Matters relating to Foreigners. But upon the taking in of *Sicily* and *Sardinia*, *A. V. C.* 520. two more *Prætors* were created to aſſiſt the *Conſuls* in the Government of the *Provinces*; and as many more upon the entire conqueſt of *Spain*, *A. V C.* 551. *Sylla* encreas'd the number to Eight; *Ju-*

(*a*) *Vide Liv. lib. 7. circa princip.*

lius

lius Cæſar firſt to Ten, and then to Sixteen; the ſecond *Triumviri*, after an extravagant manner, to Sixty four.

After this, ſometimes we meet with Twelve *Prætors*, ſometimes Sixteen or Eighteen; but in the Declenſion of the Empire, they fell as low again as Three.

When the number of the *Prætors* was thus encreas'd, and the *Quæſtiones*, or Enquiries into Crimes, made perpetual, and not committed to Officers choſe upon ſuch occaſions, the *Prætor Urbanus* (and, as *Lipſius* thinks, the *Prætor Peregrinus*) undertook the Cognizance of private Cauſes, and the other *Prætors* of Crimes. The latter therefore were ſometimes call'd *Quæſitores, quia quærebant de crimine*; the firſt barely *jus dicebat*. Here we muſt obſerve the difference between *jus dicere* and *judicare*; the former relates to the *Prætor*, and ſignifies no more than the allowing an Action, and granting Judges for determining the Controverſie; the other is the proper Office of the *Judices* allow'd by the *Prætor*, and denotes the actual hearing and deciding of a Cauſe. *(a)*

(a) *P. Manut. de legibus, p.* 826.

CHAP. VII.

Of *the* Cenſors.

THE *Cenſus*, or Survey of the *Roman* Citizens and their Eſtates (from *Cenſeo*, to *rate*, or *value*) was introduc'd by *Servius Tullius*, the ſixth King, but without the Aſſignment of any particular Officer to manage it: And therefore he took the trouble upon himſelf, and made it a part of the Regal Duty. Upon the expulſion of the *Tarquins*, the Buſineſs fell to the *Conſuls*, and continu'd in their care, 'till their Dominions grew ſo large as to give them no leiſure for its performance. Upon this account, it was wholly omitted ſeventeen Years together, 'till *A. U. C.* 311. when they found the neceſſity of a New Magiſtrate for that Employment, and thereupon created Two *Cenſors*: Their Office was to continue five Years, becauſe every fifth Year the General Survey of the People us'd to be perform'd: But when they grew to be the moſt conſiderable Perſons in the State, for fear they ſhould abuſe their Authority, *A. U. C.* 420. a Law

Law pass'd, by which their Place was confin'd to a Year and a half; and therefore for the future, though they were elected every five Years, yet they continu'd to hold the Honour no longer than the time prefix'd by that Law.

After the second *Punick* War, they were always created out of such Persons as had been *Consuls*, though it sometimes happen'd otherwise before. Their Station was reckon'd more Honourable than the *Consulship*, though their Authority, in Matters of State, was not so considerable. And the Badges of the Two Offices were the same, only that the *Censors* were not allow'd the *Lictors* to walk before them, as the *Consuls* had.

Lipsius divides the Duty of the *Censors* into two Heads; the Survey of the People, and the Censure of Manners. As to the former, they took an exact account of the Estates and Goods of every Person, and accordingly divided the People into their proper *Classes* and *Centuries*. Besides this, they took care of the Publick Taxes, and made Laws in reference to them. They were Inspectors of the Publick Buildings and Ways, and defray'd the Charges of such Sacrifices as were made upon the Publick account.

With respect to the latter part of their Office, they had the power to punish an Immorality in any Person, of what Order soever. The *Senators* they might expel the House, which was done by omitting such a Person when they call'd over the Names. The Knights they punish'd by taking away the Horse allow'd them at the Publick Charge. The Commons they might either remove from a higher Tribe to a less honourable; or quite disable them to give their Votes in the Assemblies, or set a Fine upon them to be paid to the Treasury. And sometimes when a *Senator*, or Knight, had been guilty of any notorious Irregularity, he suffer'd two of these Punishments, or all three at once.

Senatu ejicere.
Equum adimere.
Tribu movere.
In Cæritum tabulas referre, et ærarium facere.

The greatest part of the *Censor*'s publick Business was perform'd in the *Campus Martius* every fifth Year; when, after the Survey of the People, and Inquisition into their Manners, the *Censors* made a solemn *Lustration*, or expiatory Sacrifice, in the name of all the People. The Sacrifice consisted of a Sow, a Sheep, and a Bull, whence it took the Name of *Suovetaurilia*. The Ceremony of performing it they call'd *Lustrum condere*; and

upon this account the ſpace of Five Years came to be ſignified by the word *Luſtrum.*

'Tis very remarkable, that if one of the *Cenſors* died, no body was ſubſtituted in his room 'till the next *Luſtrum*, and his Partner was oblig'd to quit his Office; becauſe the Death of a *Cenſor* happen'd juſt before the ſacking of *Rome* by the *Gauls* and was ever after accounted highly ominous and unfortunate. *(a)*

This Office continu'd no longer than to the time of the Emperours, who perform'd the ſame Duty at their Pleaſure: And the *Flavian Family*, i. e. *Veſpaſian* and his Sons, took a pride (as Mr, *Walker*, *(b)* obſerves) ſo be call'd *Cenſors*, and put this among their other Titles upon their Coins. *Decius* the Emperour entred on a Deſign to reſtore the Honour to a particular Magiſtrate as heretofore, but without any ſucceſs. *(c)*

(a) Vide Liv. lib. 4, 6, 9. Plut. Probl. 59. Of Coins and Medals (c) Vide Trebell. Poll. in Decio.

CHAP. VIII.
Of the Quæſtors.

THE Original of the *Quæſtors*, (*à quærendo*, from getting in the Revenues of the State) *Dionyſius* (*a*) and *Livy* (*b*) place about *A. U. C.* 269. *Plutarch* indeed, with ſome ſmall difference, referrs the Inſtitution to the time of *Valerius Poplicola*, when he allotted the Temple of *Saturn* for the Treaſury (to which uſe it always ſerv'd afterwards,) and granted the People the liberty of chuſing two young Men for the Treaſurers. *(c)* This was all the Number at the beginning: But afterwards, two others were created, *A. U. C.* 332. to take care of the Payment of the Armies abroad, of the ſelling Plunder and Booty, *&c.* For which purpoſe, they generally accompained the *Conſuls* in their Expeditions; and upon this account were diſtinguiſh'd from the other *Quæſtors*, by the Name of *Peregrini*, and gave them occaſion to aſſume the Title of *Urbani.* This Number continu'd 'till the entire Conqueſt of *Italy*; and then it was again doubled, *A. U. C.* 439. The four that were now added, had their Reſidence with the *Proconſuls*, and *Propretors* in the *Provinces*, where they employ'd themſelves in regulating the Taxes and Cuſtoms due from

(a) Lib. 8. *(b) Lib.* 3. *(c) Plut. in Poplicol.*

thence

thence to the State. *Sylla* the *Dictator*, as *Tacitus* informs us, (*a*) created twenty *Quæſtors* to fill up the Senate; and *Dio* (*b*) mentions the creating of forty by *Julius Cæſar* upon the ſame Deſign.

The chief Offices of the *Quæſtors* were the receiving and diſburſing Money; the ſelling of Booty; the receiving, lodging, and carrying out Ambaſſadors. and the keeping of the Decrees of Senate appointed them by *Auguſtus*, (*c*) which before had been under the care of the *Ædiles* and *Tribunes*.

From hence came the two Offices of *Quæſtor Principis*, or *Auguſti*, call'd ſometimes *Candidatus Principis*, deſcrib'd by *Briſſonius*; (*d*) and *Quæſtor Palatii*, inſtituted by *Conſtantine the Great*; anſwering in moſt reſpects to the Place of the Lord Chancellor at preſent.

The *Quæſtorſhip* was the firſt Office any Perſon cou'd bear in the Common-wealth, and might be undertook at the Age of Twenty four or Twenty five Years.

(*a*) *Annal. lib.* 1. (*b*) *Lib.* 43. (*c*) *Dio, lib.* 54. (*d*) *Select. Antiquitat. lib.* 1. *cap.* 16

CHAP. IX.

Of the Tribunes *of the People.*

THIS Office owes its Original to a Quarrel between the Nobility and Commons, about *A. U. C.* 260. when the latter making a Defection, could not be reduc'd into Order, 'till they had obtain'd the Privilege of chuſing ſome Magiſtrates out of their own Body, for the defence of their Liberties, and to interpoſe in all Grievances and Impoſitions offer'd by their Superiours. (*a*) At firſt only two were elected; but three more were quickly added; and about *A. U. C.* 297. the number was made up ten, which continu'd ever after.

Their Authority was extraordinary; for though at firſt they pretended only to be a ſort of Protectors of the Commons, and Redreſſers of Publick Grievances, yet afterwards they uſurp'd the Power of doing almoſt whatever they pleas'd, having the whole Populacy to back and ſecure them: And therefore they aſſembled the People, preferr'd Laws, made Decrees, and executed them upon the Magiſtrates themſelves; and ſometimes commanded the very Conſuls to be carried to Priſon: And

(*a*) *Vide Dionyſ. lib.* 6. *Liv. lib.* 2. &c.

were, without queſtion, the Authors of far greater Animoſities between the Nobles and Commons, than they were at firſt created to appeaſe.

That which gain'd them the greateſt ſecurity, was their repute of being *Sacroſancti*, which they confirm'd by a Law: So that 'twas reckon'd the higheſt Act of Impiety to offer them the leaſt Injury, or ſo much as to interrupt them when they were ſpeaking.

Their interpoſing in Matters determin'd by the Senate, or other Magiſtrates, was call'd *Interceſſio*, and was perform'd by ſtanding up, and pronouncing only one word *VETO*.

As for the Enſigns of their Office, they had no *Prætexta*, *Lictors*, nor *Curule* Chair; and only a ſort of a Beadle, whom they call'd *Viator*, went before them.

Sylla the *Dictator* was the firſt who dar'd put a ſtop to the Encroachments of the *Tribunes*; but they ſoon recover'd their old Power again, 'till the time of the Emperours, who left them very little but the Name and Shadow of Magiſtrates: This they effected as by ſeveral means, ſo particularly by obliging the People to confer the ſame Power and Authority on themſelves; whence they were ſaid to be *Tribunitiâ poteſtate donati*; for they could not be directly *Tribuni*, unleſs their Family was Plebeian.

CHAP. X.

Of the Ædiles.

THE Commons had no ſooner prevail'd with the Senate to confirm the Office of *Tribunes*, but they obtain'd farther the Privilege to chuſe yearly, out of their own Body, Two more Officers to aſſiſt thoſe Magiſtrates in the diſcharge of ſome particular Services, (*a*) the chief of which was the care of Publick Ædifices, whence they borrow'd their Name. *Roſinus*, for diſtinction's ſake, calls them *Ædiles Plebis*. Beſides the Duty mention'd above, they had ſeveral other Employments of leſſer note; as to attend on the *Tribunes* of the People, and to judge ſome inferiour Cauſes by their Deputation, to rectifie the Weights and Meaſures, prohibit unlawful Games, and the like.

(*a*) *Vide Dionyſ. lib 6.*

A. V. C. 389. two more *Ædiles* were elected out of the Nobility, to inſpect the Publick Games. (*a*) They were call'd *Ædiles Curules*, becauſe they had the Honour of uſing the *Sella Curulis*; the Name of which is generally deriv'd *à curru*, (*b*) becauſe they ſat upon them as they rode in their Chariots; but *Lipſius* fanſies they owe their Names as well as their Invention to the *Curetes*, a People of the *Sabines*.

The *Curule Ædiles*, beſides their proper Office, were to take care of the Building, and repair of Temples, Theatres, Baths, and other noble Structures; and were appointed Judges in all Caſes relating to the ſelling or exchanging of Eſtates.

Julius Cæſar A. V. C. 710. added two more *Ædiles* out of the Nobility, with the Title of *Ædiles Cereales*, from *Ceres*, becauſe their Buſineſs was to inſpect the Publick Stores of Corn and other Proviſions; to ſuperviſe all the Commodities expos'd in the Markets, and to puniſh Delinquents in all Matters concerning Buying and Selling. (*c*)

(*a*) *Liv. lib.* 6 & 7. (*b*) *Vide Agell. lib.* 3. *cap.* 18. (*c*) *Vide Dio. lib.* 43. & *Pompon. lib.* 2. *F. de Orig. juris.*

CHAP. XI.

Of the Decemviri.

ABout the Year of *Rome* 291. the People thinking themſelves highly wrong'd, that tho' they had freed themſelves from the Government of the Kings, yet ſtill the whole Deciſion of Equity and Juſtice ſhould lie in the Breaſt of the Supreme Magiſtrates, without any written Statute to direct them; propounded to the *Senate* by their *Tribunes*, that ſtanding Laws might be made which the City ſhou'd uſe for ever. The Buſineſs hung in ſuſpence ſeveral Years; at laſt it was concluded to ſend Ambaſſadors to *Athens* and other *Grecian* Cities, to make Collections out of the beſt of their Conſtitutions, for the Service of their Country in the new Deſign. Upon the return of the Commiſſioners, the *Tribunes* claiming the Promiſe of the *Senate*, to allow them a new Magiſtracy for the putting the Project in execution, it was agreed, That Ten Men out of the chief *Sena-*

tors ſhou'd be elected: That their Power ſhou'd be equal to that of the *Kings*, or *Conſuls*, for a whole Year: And, That in the mean time, all other Offices ſhou'd ceaſe. The *Decemviri* having now taken the Government upon them, agreed that only one of them ſhou'd at one time enjoy the *Faſces* and other *Conſular* Ornaments; ſhou'd aſſemble the *Senate*, confirm Decrees, and act in all reſpects as Supreme Magiſtrate. To this Honour they were to ſucceed by turns 'till the Year was out; and the reſt were oblig'd to differ very little in their Habits from private Perſons, to give the People the leſs ſuſpicion of Tyranny and abſolute Government.

At length having made a Model out of ſuch Laws as had been brought from *Greece*, and the Cuſtoms of their own Country, they expos'd it to the publick View in Ten Tables, liberty being given for any Perſon to make Exceptions. Upon the general Approbation of the Citizens, a Decree paſs'd for the ratification of the New Laws, which was perform'd in the preſence of the Prieſts and *Augurs*, in a moſt Solemn and Religious manner.

The War being expir'd, a farther continuance of this Office was voted neceſſary, becauſe ſomething ſeem'd yet to be wanting for the perfecting of the Deſign. The *Decemviri*, who had procur'd themſelves the Honour in the New Election, quickly abus'd their Authority; and under pretence of reforming the Common-wealth, ſhow'd themſelves the greateſt Violators of Juſtice and Honeſty. Two more Tables indeed they added to the Firſt, and ſo ſeem'd to have anſwer'd the Intent of their Inſtitution: Yet they not only kept their Office the remaining part of that Year, but uſurp'd it again the next, without any regard to the Approbation of the *Senate* or People. And though there was ſome ſtir made in the City for putting a ſtop to their Tyranny; yet they maintain'd their abſolute Power, 'till an Action of their chief Leader *Appius* gave a final ruine to their Authority: For he falling deſperately in Love with *Virginia*, the Daughter of a Plebeian, and proſecuting his Paſſion by ſuch unlawful means, as to cauſe the killing of her by her own Father (the Story of which is told at large by *Livy*) gave an occaſion to a Mutiny in the Army, and a general Diſlike to the whole City; ſo that 'twas agreed in the *Senate*, to let the ſame Form of Government return, which was in force at the Creation of the *Decemviri*. (a)

(a) *Vide Liv. lib.* 3. *Dionyſ. lib.* 8.

CHAP.

CHAP. XII.

Tribuni Militum Conſulari poteſtate.

UPON the concluſion of the *Decemvirate*, the firſt *Conſuls* that were elected, appearing highly inclin'd to favour the Commons, gave them ſuch an opportunity of getting an head in the State, that within three years afterwards, they had the Confidence to petition for the Privilege of being made capable of the Conſulſhip, which had been hitherto denied them. The ſtiffeſt of the *Patricians* violently oppos'd this Requeſt, as a fair means to ruine their Honour and Authority, and to bring all Perſons, of whatever Quality, upon the ſame level. But a War caſually breaking out at the ſame time in the Confederate Countries, which the *Romans* were oblig'd to aſſiſt, the *Conſuls*, by reaſon of the Deſſenſions upon this account in the City, cou'd not with all their Diligence procure any Levies to be made, becauſe the *Tribunes* of the Commons oppos'd all their Orders, and wou'd let no Soldiers be Liſted, 'till their Petition had been canvaſs'd in the *Senate*. In this exigency, the *Fathers* were call'd together; and after the Buſineſs had been a long time debated with great Heat and Tumult, at laſt pitch'd upon this Expedient: That Three Magiſtrates ſhou'd be elected out of each Order, who being inveſted with the whole *Conſular* Power, at the end of the Year, it ſhou'd be in the liberty of the *Senate* and People to have that Office, or *Conſuls* for the following Year.

Both Parties readily embrac'd this Propoſal, and accordingly proceeded to an Election; where, though the whole deſign of this Stir, had been purely to encreaſe the Honour of the Commons, yet when the matter came to be put to the Vote, they choſe none of that Order to the new Magiſtracy, but conferr'd the Honour on Three of the moſt eminent *Patricians*, with the Title of *Tribuni Militum Conſulari poteſtate*, about *A. V. C.* 310.

The firſt *Tribunes* having held their Dignity no longer than ſeventy Days, were oblig'd to quit it, by reaſon that the *Augurs* had diſcover'd ſome Flaw in their Election; and ſo the Government return'd to its former courſe, the Supreme Command

reſting in the hands of the *Conſuls*. (*a*) Afterwards they were ſome Years choſe, and ſome Years paſs'd by, having roſe from Three to Six, and afterwards to Eight, and the *Plebeians* being admitted to a ſhare in the Honour, 'till about *A. U. C.* 388, they were entirely laid aſide.

(*a*) *Liv. lib.* 4. *Dionyſ. lib.* 11.

CHAP. XIII.

Civil Offices of leſs Note, or of leſs frequent Occurrence in Authors; and of the Publick Servants.

THERE are ſeveral Officers behind, who deſerve little more than to be nam'd; ſome by reaſon of their low Station in the Common-wealth, others becauſe they are very ſeldom mention'd in our ordinary Claſſicks. Among theſe, we may take notice of thoſe that follow.

Interrex, the Supreme Magiſtrate, who govern'd between the Death of one King, and the Election of another. This Office was took by turns by the *Senators*, continuing in the hands of every Man five Days, (*a*) or, if we believe *Plutarch*, (*b*) only twelve Hours at a time. We ſometimes meet with an *Interrex* under the *Conſular* Government, created to hold Aſſemblies, when the ordinary Magiſtrates were either abſent, or diſabled to act by reaſon of their undue Election.

Tribunus, or *Præfectus Celerum*, the Captain of *Romulus*'s Life-guard, which conſiſted of Three hundred of the ſtouteſt young Men, and of the beſt Families in the City, under the Name of *Celeres*, or Light-Horſe.

After the expulſion of the Kings, the *Magiſter Equitum* held the ſame place and Command under the *Dictators*, and the *Præfectus Prætorio* under the Emperors.

Præfectus Urbis, a ſort of Mayor of the City, created by *Auguſtus*, by the Advice of his Favourite *Mæcenas*, upon whom at firſt he conferr'd the new Honour. (*c*) He was to precede all other City-Magiſtrates, having power to receive Appeals from the inferiour Courts, and to decide almoſt all Cauſes within the

(*a*) *Dionyſ. lib.* 2. *Liv. lib.* 1. (*b*) *In Num.* (*c*) *Dio. lib.* 52. *Tacit. Annal. lib.* 4. 5.

Limits

Limits of *Rome*, or an hundred Miles round. Before this, there was ſometimes a *Præfectus Urbis* created, when the Kings, or greater Officers, were abſent from the City, to adminiſter Juſtice in their room. *(a)*

Præfectus Ærarii, an Officer choſe out of ſuch Perſons as had diſcharg'd the Office of *Prætorio*, by *Auguſtus*, to ſuperviſe and regulate the Publick Fund, which he rais'd for the maintenance of the Army. *(b)* This project was reviv'd by ſeveral of his Succeſſors.

Præfectus Prætorio, created by the ſame Emperour, to Command the *Prætorian Cohorts*, or his Life-guard, who borrow'd their Name from the *Prætorium*, or General's Tent, all Commanders in Chief being anciently ſtyl'd *Prætores*. His Office anſwer'd exactly to that of the *Magiſter Equitum* under the old *Dictators*; only his Authority was of greater extent, being generally the higheſt Perſon in Favour with the Army: And therefore when the Soldiers once came to make their own Emperours, the common Man they pitch'd upon was the *Præfectus Prætorio*.

Præfectus Frumenti, and *Præfectus Vigilum*, both owing their Inſtitution to the ſame *Auguſtus*. The firſt was to inſpect and regulate the diſtribution of Corn, which us'd to be often made among the common People. The other commanded in Chief all the Soldiers appointed for a conſtant Watch to the City, being a *Cohort* to every two *Regions*. His Buſineſs was to take cognizance of Thieves, Incendiaries, idle Vagrants, and the like; and had the Power to puniſh all petty Miſdemeanours, which were thought too trivial to come under the care of the *Præfectus Urbis*.

In many of theſe inferiour Magiſtracies, ſeveral Perſons were join'd in Commiſſion together; and then they took their Name from the number of Men that compos'd them. Of this ſort we meet with the

Triumviri, or *Treſviri Capitales*, the Keepers of the Publick Gaol; they had the Power to puniſh Malefactors, like our Maſters of the Houſes of Correction, for which Service they kept eight *Lictors* under them; as may be gather'd from *Plautus*:

Quid faciam nunc ſi Treſviri me in carcerem compegerint?
Inde cras è promptuariâ cellâ depromar ad flagrum.
Ita quaſi incudem me miſerum octo homines validi cædent. (c)

(*a*) *Ibid.* (*b*) *Dio. lib.* 55. (*c*) *In Amphytr.*

Trium-

Triumviri Nocturni, mention'd by *Livy* (*a*) and *Tacitus*, (*b*) inſtituted for the prevention of Fires in the Night.

Triumviri Monetales, the Maſters of the Mint: Sometimes their Name was wrote *Triumviri A. A. Æ. F. F.* ſtanding for *Auro, Argento, Ære Flando, Feriendo.*

Quatuorviri viarum curandarum; Perſons deputed by the *Cenſor* to ſuperviſe the Publick Ways.

Centumviri, and *Decemviri litibus judicandis*: The firſt were a Body of Men choſe, Three out of every Tribe, for the judging of ſuch Matters as the *Prætors* committed to their Deciſion; which are reckon'd up by *Cicero* in his Firſt Book *de Oratore*. The *Decemviri* ſeem to have been the principal Members of the *Centumvirate*, and to have preſided under the *Prætor* in the *Judicia Centumviralia*. Theſe were ſome of the firſt Steps to Preferment, for Perſons of Parts and Induſtry; as was alſo the *Vigintiviratus*, mention'd by *Cicero*, *Tacitus*, and *Dio*, which perhaps was no more than a ſelect part of the *Centumviri*.

There are other Officers of as little note behind, who had no fix'd Authority, but were conſtituted upon ſome particular occaſions: Such as the

Duumviri perduellionis, ſive Capitales; Officers created for the judging of Traitors. They were firſt introduc'd by *Tullus Hoſtilius*; continu'd, as often as Neceſſity requir'd, under the reſt of the Kings, and ſometimes under the *Conſular* Government, at its firſt Inſtitution. But after they had been laid down many Years as unneceſſary, *Cicero*, in the latter times of the Commonwealth, complains of their revival by *Labienus*, Tribune of the Commons. (*c*)

Quæſtores, or *Quæſitores, Parricidii, vel rerum capitalium*; Magiſtrates choſe by the People to give Judgment in capital Cauſes, after the *Conſuls* were denied that Privilege, and before the *Quæſtiones* were made *perpetual.*

The Publick Servants of the Magiſtrates had the common Name of *Apparitores*, from the Word *Appareo*, becauſe they always ſtood ready to execute their Maſters Orders. Of theſe, the moſt remarkable were the

Scribæ, a ſort of Publick Notaries, who took an account of all the Proceedings in the Courts: In ſome meaſure too they anſwer'd to our Attornies, inaſmuch as they drew up the Papers

(*a*) *Lib.* 9. (*b*) *Annal. lib.* 5. (*c*) *Cicero, Orat. pro. C. Rabirio Perduellionis Reo.*

and

and Writings which were produc'd before the Judges; *Notarius* and *Actuarius* ſignifying much the ſame Office.

Accenſi and *Præcones*, the Publick Criers, who were to call Witneſſes, ſignify the Adjournment of the Court, and the like. The former had the Name from *Accieo*, and the other from *Præcieo*. The *Præcones* ſeem to have had more Buſineſs aſſign'd them than the *Accenſi*; as, the proclaiming Things in the Streets; the aſſiſting at Publick Sales, to declare how much every one bids; whereas the *Accenſi* more nearly attended on the Magiſtrates.

Lictores, the Serjeants, or Beadles, who carried the *Faſces* before the Supreme Magiſtrates, as the *Interreges*, *Dictators*, *Conſuls* and *Prætors*. Beſides this, they were the publick Executioners in Scourging and Beheading.

The *Lictors*, were taken out of the Common People, whereas the *Accenſi* generally belong'd to the Body of the *Libertini*, and ſometimes to that of the *Liberti*. (*a*)

The *Viatores* were little different from the former, only that they went before the Officers of leſs Dignity, and particularly before the *Tribunes* of the Commons.

In Ancient Times they were us'd to call the plain Senators out of the Country, whence *Tully* in his *Cato Major* derives their Name; as if they were to ply about the Roads and Parks, and to pick up an Aſſembly of Rural Fathers, who perhaps were then employ'd in driving or in keeping their own ſheep.

We muſt not forget the *Carnifex*, or Common Hangman whoſe Buſineſs lay only in Crucifixions. *Cicero* has a very good Obſervation of him, That by reaſon of the odiouſneſs of his Office, he was particularly forbid by the Laws to have his Dwelling-houſe within the City. (*b*)

(*a*) *Vid. Sigon. de Antiqu. Jur. Civ. Rom. lib.* 2. *cap.* 15. (*b*) *Cicero pro Rabirio.*

CHAP.

CHAP. XIV.

Of the Provincial Magiſtrates; and firſt of the Proconſuls.

THE Chief of the Provincial Officers were the *Proconſuls*. Whether the Word ought to be wrote *Broconſul*, and declin'd, or *Proconſule*, and undeclin'd,

Grammatici certant, & adhuc ſub judice lis eſt.

We may divide theſe Magiſtrates into four ſorts;

Firſt, Such as being *Conſuls*, had their Office prolong'd beyond the time prefix'd by Law.

Secondly, Such as were inveſted with this Honour, either for the Government of the Provinces, or the Command in War, who before were only in a private Station.

Thirdly, Such as immediately upon the expiration of their *Conſulſhip*, went *Croconſuls* into the Provinces in the time of the Common-wealth.

Fourthly, Such Governours as in the times of the Empire, were ſent into thoſe Provinces which fell to the ſhare of the People.

Proconſuls of the two former ſorts we meet with very rarely, only *Livy* gives us an example of each. (*a*)

The third kind more properly enjoy'd the Name and Dignity, and therefore deſerve to be deſcrib'd at large, with reference to their Creation, Adminiſtration, and Return from their Command.

They were not Elected by the People; but when at the *Comitia Centuriata* new *Conſuls* were *deſign'd* for the following Year; one of the preſent *Conſuls* propos'd to the *Senate*, what Provinces they would declare *Conſular*: and what *Crætorian*, to be divided among the *deſign'd Conſuls* and *Prætors*. According to their de-

(*a*) *Liv. lib.* 8. *lib.* 26.

termi-

termination, the *deſign'd Conſuls* preſently agreed what Provinces to enter upon at the expiration of their Office in the City, the Buſineſs being generally decided by caſting Lots.

Afterwards, in the time of their *Conſulſhip*, they formally got leave of the People to undertake the Military Command, which could not be otherwiſe obtain'd. Beſides this, they procur'd a Decree of *Senate*, to determine the extent of their Provinces, the number of their Forces, the Pay that ſhou'd be allow'd them, with all other Neceſſaries for their Journey and Settlement.

By the paſſing of this Decree, they were ſaid *Ornari Provinciâ*; and *Cicero* uſes in the ſame ſence *Ornari Apparitoribus, Scribis*, &c. who made a part of the *Proconſul*'s Attendants

Nothing now remain'd, but at the end of the Year to ſet forward for their New Government. But we muſt obſerve, that tho' the *Senate* had given them leave to depart, yet the *Tribunes* of the Commons had power to ſtop their Journey; and therefore becauſe *Craſſus* went *Proconſul* into *Parthia*, contrary to the expreſs Order of the *Tribune*; he was generally believ'd to have loſt the *Roman* Army, and his own Life, as a Judgment on him for deſpiſing the Authority of that Officer, whom they always counted *Sacroſanctus*.

At their firſt entrance on their Province, they ſpent ſome time in conference with their immediate Predeceſſor, to be inform'd in the ſtate of Things, though their Adminiſtration began the very Day of their arrival.

Their Authority, both Civil and Military, was very extraordinary. The Winter they generally ſpent in the execution of the firſt, and the Summer in the diſcharge of the latter.

They decided Caſes of Equity and Juſtice, either privately in their *Prætorium*, or Palace; where they receiv'd Petitioners, heard Complaints, granted Writs under their Seal, and the like; or elſe publickly in the Common-Hall, with the uſual Ceremonies and Formalities obſerv'd in Courts of Judicature, the Proceſſes being in all reſpects the ſame as thoſe at *Rome*.

Beſides this, by virtue of their Edicts, they had the Power of ordering all things relating to the Tributes, Taxes, Contributions, and Proviſions of Corn and Money, and whatever elſe belong'd to the Chief Adminiſtration of Affairs.

Their return from the Command was very remarkable: They either met their Succeſſor at his arrival, and immediately deliver'd

ver'd into his hands the Charge of the Army, being oblig'd to leave the Province in Thirty Days; or elſe they came away before-hand, and left a Deputy in their room to perform the Solemnity of a Reſignation, having firſt made up their Accounts, and left them in writing in the two chief Cities of their ſeveral Provinces.

Upon their arrival at *Rome*, if they had no Thoughts of a Triumph, they preſently diſmiſs'd their Train, and entred the City as private Perſons. If they aſpir'd to this Honour, they ſtill retain'd the *Faſces*, and other *Proconſular* Ornaments, and gave the *Senate* (aſſembled for this purpoſe in the Temple of *Bellona*) a relation of their Actions and Exploits, and petition'd for a Triumph. But in both Caſes, they were oblig'd to give in their Accounts into the Publick Treaſury within Thirty Days.

Though the *Proconſuls* order'd Matters as they pleas'd during their Honour; yet at their return, a very ſtrict account was made into the whole courſe of their Government; and upon the diſcovery of any ill dealing, 'twas uſual to prefer Bills againſt them, and bring them to a formal Trial. The Crimes moſt commonly objected againſt them were *crimen peculatûs*; relating to their ill uſe of the Publick Money, and the deficiency of their Accounts: *Majeſtatis*, of Treachery and Perfidiouſneſs againſt the Common-wealth; or *Repetundarum*, of Oppreſſion or Extortion exercis'd upon the Inhabitants of the Provinces, whom, as their Allies and Confederates, the *Romans* were oblig'd to Patronize and defend.

Auguſtus, when, at the deſire of the Senate and People, he aſſum'd the ſole Government of the Empire, among other Conſtitutions at the beginning of his Reign, divided the Provinces into two parts, one of which he gave wholly over to the People, and reſerv'd the other for himſelf. After which time, only the Governours ſent into the Firſt Diviſion bore the Name of *Proconſuls*; though they were denied the whole Military Power, and ſo fell ſhort of the old *Proconſuls*.

To theſe four ſorts of *Proconſuls*, we may add two more from *Alexander* of *Naples*:

Firſt, Such as the *Senate* created *Proconſuls* without a *Province*, purely for the Command of the Army, and the Care of the Military Diſcipline: And, ſecondly, ſuch *deſign'd Conſuls* as entred on their *Proconſular* Office, before they were admitted to the Conſulſhip.

CHAP.

CHAP. XV.

Of the Provincial Prætors *and* Proprætors; *of the* Legati, Quæſtors, *and* Proquæſtors.

IN the firſt times of the Common-wealth, the *Provinces* were govern'd by *Prætors*; and as the Dominions of the State were enlarg'd, the Number of thoſe Magiſtrates was accordingly encreas'd; yet even in thoſe times, if they continu'd in the Command of the *Province*, beyond the time prefix'd for the continuance of their *Prætorſhip*, they took upon them the Names of *Proprætors*, though they ſtill kept the ſame Authority as before.

About *A. V. C.* 604. the deſign'd *Prætors* began to divide the *Prætorian*, or leſſer *Provinces*, by Lot, in the ſame manner as the *Conſuls* did the *Conſular*; and when at the end of the Year, they repair'd to their reſpective Governments, aſſum'd the Title of *Proprætors*. As their Creation was the ſame as that of the *Proconſuls*; ſo their entrance upon their Office, and the whole courſe of their Adminiſtration, was exactly anſwerable to theirs; only that they were allow'd but Six *Lictors*, with an equal Number of *Faſces*, whereas the *Proconſuls* had Twelve of each.

Now though before the time of *Auguſtus*, the *Proprætors*, by reaſon of their preſiding over the *Provinces* of leſſer Note and Importance, were always reckon'd inferiour to the *Proconſuls*; yet upon his diviſion of the Provinces, the Governours of thoſe which fell to his ſhare, bearing the Name of *Proprætors*, got the Preference of the *Proconſuls*, in reſpect of Power and Authority; being inveſted with the Military Command, and continuing in their Office as long as the Emperour pleas'd.

The chief Aſſiſtants of the *Proconſuls*, and the *Proprætors*, were the *Legati* and the Provincial *Quæſtors*. The former, being different in number, according to the Quality of the Governour whom they accompanied; ſerv'd for the judging of inferiour Cauſes, and the management of all ſmaller Concerns, remitting every thing of moment to the Care of the Governour, or Preſident.

Beſides the *Legati*, there went with every *Proconſul*, or *Proprætor*, one or more *Quæſtors*, whoſe whole Buſineſs was concern'd

cern'd in managing the Publick Accounts, taking care of the Supplies of Money, Corn, and other Neceſſaries and Conveniences for the maintenance of the *Roman* Army.

We ſeldom meet with *Proquæſtors* in Authors, they being only ſuch as perform'd the Office of *Quæſtor* in the Provinces, without the deputation of the *Senate*, which was requiſite to the Conſtitution of the proper *Quæſtors*. This happen'd either when a *Quæſtor* died in his Office, or went to *Rome* without being ſucceeded by another *Quæſtor*: For in both theſe caſes, the Governour of the Province appointed another in his room, to diſcharge the ſame Duties under the Name of *Proquæſtor*.

Of the like nature with the *Quæſtors*, were the *Procuratores Cæſaris*, often mention'd by *Tacitus* and *Suetonius*; Officers ſent by the Emperours into every Province, to receive and regulate the Publick Revenue, and to diſpoſe of it at the Emperour's Command.

Such a Magiſtrate was *Pontius Pilate* in *Judæa*; and though the judging of extreme Cauſes did not properly belong to his Office; yet becauſe the *Jews* were always look'd upon as a rebellious Nation, and apt to revolt upon the leaſt occaſion; and becauſe the Preſident of *Syria* was forced to attend on other parts of his Province; therefore for the better keeping the *Jews* in order, the *Procurator* of *Judæa* was inveſted with all the Authority proper to the Proconſul, even with the Power of Life and Death, as the Learned Biſhop *Pearſon* obſerves. (*a*)

(*a*) *Biſhop Pearſon on the Creed, Art.* 4.

CHAP. XVI.

Of the Comitia.

THE *Comitia*, according to *Sigonius*'s Definition, were *General Aſſemblies of the People lawfully call'd by ſome Magiſtrate, for the enjoyment or prohibition of any thing by their Votes.* (*a*)

The proper *Comitia* were of three ſorts; *Curiata*, *Centuriata*, and *Tributa*; with reference to the Three grand Diviſions of the City and People into *Curiæ*. *Centuries*. and *Tribes*: For by

(*a*) *Sigon, de Antiq. Jure Civ. Romanorum, lib.* 1. *cap.* 17.

Comi-

Comitia Calata, which we ſometimes meet with in Authors, in elder times were meant all the *Comitia* in general, the Word *Calata*, from καλέω, or *Calo*, being their common *Epithet*; though 'twas at laſt reſtrain'd to two ſorts of Aſſemblies, thoſe for the creation of Prieſts, and thoſe for the inſpection and regulation of laſt Wills and Teſtaments. (*a*)

The *Comitia Curiata* owe their Original to the Diviſion which *Romulus* made of the People into Thirty *Curiæ*; Ten being contain'd under every *Tribe*. They anſwer'd, in moſt reſpects, to the Pariſhes in our Cities, being not only ſeparated by proper Bounds and Limits, but diſtinguiſh'd too by their different Places ſet a-part for the celebration of Divine Service, which was perform'd by particular Prieſts (one to every *Curia*) with the Name of *Curiones*.

Dionyſius Halicarnaſſæus expreſly affirms, that each *Curia* was again Subdivided into *Decuriæ*, and theſe leſſer Bodies govern'd by *Decuriones*. And upon the ſtrength of his authority, moſt Authors of the *Roman* Cuſtoms, give the ſame account without any ſcruple. But 'tis the opinion of the Learned *Grævius* (*b*) that ſince *Dionyſius* is not ſeconded in this part of his relation, by any ancient Writer, we ought to think it was a Miſtake in that great Man; and that by forgetfulneſs he attributed ſuch a diviſion to the *Curiæ* as belong'd properly to the *Turmæ* in the Army.

Before the Inſtitution of the *Comitia Centuriata*, all the grand Concerns of the State were tranſacted in the Aſſembly of the *Curia's*; as, the Election of Kings, and other Chief Officers, the making and abrogating of Laws, and the adjudging of capital Cauſes. After the expulſion of the Kings, when the Commons had obtain'd the Privilege to have *Tribunes* and *Ædiles*, they elected them for ſome time at theſe Aſſemblies: But that Ceremony being at length transferr'd to the *Comitia Tributa*, the *Curiæ* were never conven'd to give their Votes, except now and then upon account of making ſome particular Law, relating to Adoptions, Wills, and Teſtaments, or the Creation of Officers for an Expedition; or for the Electing of ſome of the Prieſts, as the *Flamines*, and the *Curio maximus*, or Superintendant of the *Curiones*, who themſelves were choſe by every particular *Curia*.

The Power of Calling theſe Aſſemblies belong'd at firſt only to the Kings; but upon the eſtabliſhment of the Democracy, the

(*a*) *A. Gell. lib.* 15. *cap.* 27. (*b*) *Præfat. ad* 1. *Vol. Ther. Rom.*

ſame Privilege was allow'd to moſt of the Chief Magiſtrates and ſometimes to the *Pontifices*.

The Perſon who had the liberty of Voting here, were ſuch *Roman* Citizens as belong'd to the *Curiæ*; or ſuch as actually liv'd in the City, and conform'd to the Cuſtoms and Rites of their proper, *Curia*; all thoſe being excluded who dwelt without the Bounds of the City, retaining the Ceremonies of their own Country, tho' they had been Honour'd with the *Jus Civitatis*, or admitted free Citizens of *Rome* (*a*)

The place where the *Curiæ* met was the *Comitium*, a part of the *Forum* deſcrib'd before. (*b*)

No ſet time was allotted for the holding of theſe or any of the other *Comitia*, but only as Buſineſs requir'd.

The People being met together, and confirm'd by the report of good Omens from the *Augurs* (which was neceſſary in all the Aſſemblies) the *Rogatio*, or Buſineſs to be propos'd to them, was publickly Read. After this (if none of the Magiſtrates interpos'd) upon the Order of him that preſided in the *Comitia*; the People divided into their proper *Curia*'s, and conſulted of the matter; and then the *Curia*'s being call'd out, as it happen'd by Lot, gave their Votes, Man by Man, in ancient times *vivâ voce*, and afterwards by Tablets; the moſt Votes in every *Curia* going for the Voice of the whole *Curia*, and the moſt *Curiæ* for the general Conſent of the People.. (*c*) *Tabellæ*

In the time of *Cicero*, the *Comita Curiata* were ſo much out of faſhion, that they are form'd only by thirty Lictors repreſenting the thirty *Curiæ*; whence in his ſecond Oration againſt *Rullus*, he call's them *Comitia adumbrata*.

The *Comitia Centuriata* were inſtituted by *Servius Tullius*; who obliging every one to give a true account of what they were worth, according to thoſe Accounts, divided the People into ſix Ranks, or *Claſſes*, which he ſubdivided into 193 *Centuries*. The firſt *Claſſis* containing the *Equites* and richeſt Citizens, conſiſted of Ninety eight *Centuries*. The ſecond, taking in the Tradesmen and Machanicks, made up Two and twenty *Centuries*. The third, the ſame number. The fourth, Twenty. The fifth, Thirty. And the laſt, fill'd up with the poorer ſort, had but one Century. (*d*)

(*a*) *Sigon. de Antiq. jure Provinc. lib.* 3. *cap.* 1. (*b*) *See Part* II. *Book.* I. *cap.* 5. (*c*) *Roſin. lib.* 7. *cap.* 7. (*d*) *See Dionyſ. lib.* 4.

And

And this, tho' it had the ſame name with the reſt, yet was ſeldom regarded, or allow'd any power in publick Matters. Hence 'tis a common thing with the *Roman* Authors, when they ſpeak of the *Claſſes*, to reckon no more than five, the ſixth not being worth their notice. This laſt *Claſſis* was divided into two parts or orders, the *Proletarii*, and the *Capite Cenſi*. The former, as their Name implies, were deſign'd to ſtock the Common-wealth with Men, ſince they could ſupply it with ſo little Money. And the latter, who paid the loweſt Tax of all, were rather counted and Marſhall'd by their Heads, than by their Eſtates. (*a*)

Perſons of the Firſt Rank, by reaſon of their Pre-eminence, had the Name of *Claſſici*; whence came the Phraſe of *Claſſici Authores*, for the moſt approv'd Writers. All others, of what *Claſſis* ſoever, were ſaid to be *infra claſſem*. (*b*)

The Aſſembly of the People by *Centuries* was held for the electing of *Conſuls*, *Cenſors*, and *Prætors*; as alſo for the judging of Perſons accus'd of what they call'd *Crimen Perduellionis*, or Actions by which the Party had ſhow'd himſelf an Enemy to the State; and for the confirmation of all ſuch Laws as were propos'd by the Chief Magiſtrates, and which had the Privilege of calling theſe Aſſemblies.

The place appointed for their Meeting was the *Campus Martius*; becauſe in the primitive Times of the Common-wealth, when they were under continual Apprehenſions of Enemies, the People, to prevent any ſudden aſſault, went arm'd in martial order to hold theſe Aſſemblies; and were for that reaſon forbid by the Laws to meet in the City, becauſe an Army was upon no account to be marſhall'd within the Walls: Yet in latter Ages, 'twas thought ſufficient to place a Body of Soldiers as a Guard in the *Janiculum*, where an Imperial Standard was erected, the taking down of which, denoted the concluſion of the *Comitia*.

Though the time of theſe *Comitia* for other Matters was undetermin'd; yet the Magiſtrates, after the Year of the City 601. when they began to enter on their Place, the *Kalends* of *January* were conſtantly *deſign'd*, about the end of *July*, and the beginning of *Auguſt*.

All the time between their Election and Confirmation, they continu'd as private Perſons, that inquiſition might be made into the Election, and the other Candidates might have time to enter Objections, if they met with any ſuſpicion of foul dealing.

(*a*) *A Gell. lib. 7. chap. 13.* (*b*) *Vid. A Gell. lib. 16. cap. 10.*

Yet at the Election of the *Cenſors*, this Cuſtom did not hold; but as ſoon as they were pronounc'd elected, they were immediately inveſted with the Honour. (*a*)

By the inſtitution of theſe *Comitia*, *Servius Tullius* ſecretly convey'd the whole Power from the Commons: For the *Centuries* of the firſt and richeſt Claſs being call'd out firſt, who were Three more in number than all the reſt put together, if they all agreed, as generally they did, the Buſineſs was already decided, and the other *Claſſes* were needleſs and inſignificant. However, the Three laſt ſcarce ever came to Vote. (*b*)

The Commons, in the time of the Free State, to rectifie this Diſadvantage, obtain'd, that before they proceeded to Voting any Matter at theſe *Comitia*, that *Century* ſhou'd give their Suffrages firſt, upon whom it fell by Lot, with the Name of *Centuria Prerogativa*; the reſt being to follow according to the Order of their *Claſſis*. After the conſtituting of the Five and thirty *Tribes*, into which the *Claſſes* and their *Centuries* were divided; in the firſt place, the *Tribes* caſt Lots, which ſhou'd be the *Prerogative-Tribe*; and then the *Conturies* of that *Tribe*, for the Honour of being the *Prerogative-Century*. All the other Tribes and Centuries had the appellation of *Jure vocatæ*, becauſe they were call'd out according to their proper places.

The *Prerogative-Century* being choſe by Lot, the Chief Magiſtrate ſitting in a * Tent in the middle of the *Campus Martius*, order'd that *Century* to come out and give their Voices; upon which, they preſently ſeparated from the reſt of the Multitude, and came into an enclos'd Apartment, which they term'd *Septa*, or *Ovilia*, paſſing over the *Pontes*, or narrow Boards, laid there for the occaſion; on which account, *de Ponte dejici* is to be deny'd the privilege of Voting, and Perſons thus dealt with, are call'd *Depontani*.

* *Tabernaculum.*

At the hither end of the *Pontes*, ſtood the *Diribitores* (a ſort of under-Officers, call'd ſo from dividing or Marſhalling the People) and deliver'd to every Man, in the election of Magiſtrates, as many Tablets as there appear'd Candidates, one of whoſe Names was wrote upon every Tablet.

Tabellæ.

A fit number of great Cheſts were ſet ready in the *Septa*, and every body threw in which Tablet he pleas'd.

By the Cheſts, were plac'd ſome of the publick Servants, who taking out the Tablets of every *Century*, for every Tablet made a

(*a*) *Liv. lib.* 40. (*b*) *Dionyſ. lib.* 4.

Prick,

Prick, or a Point, in another Table which they kept by them. Thus the Buſineſs being decided by moſt Points, gave occaſion to the Phraſe of *Omne tulit punctum*, (*a*) and the like.

The ſame method was obſerv'd in the judiciary Proceſſes at theſe *Comitia*, and in the Confirmation of Laws; except that in both theſe caſes only two Tablets were offer'd to every Perſon, on one of which, was wrote *V. R.* and on the other *A.* in capital Letters; the two firſt ſtanding for *uti rogas*, or, *be it as you deſire*, relating to the Magiſtrate who propos'd the Queſtion; and the laſt for *antiquo*, or, *I forbid it.*

'Tis remarkable, that though in the Election of Magiſtrates, and in the Ratification of Laws, the Votes of that *Century*, whoſe Tablets were equally divided, ſignify'd nothing; yet in Tryals of Life and Death, if the Tablets *pro* and *con* were the ſame in number, the Perſon was actually acquitted. (*b*)

The diviſion of the People into *Tribes*, was an invention of *Romulus*, after he had admitted the *Sabines* into *Rome*; and though he conſtituted at that time only Three, yet as the State encreas'd in Power, and the City in number of Inhabitants, they roſe by degrees to Five and Thirty. For a long time after this Inſtitution, a *Tribe* ſignified no more than ſuch a ſpace of Ground with it's Inhabitants. But at laſt the Manner was quite alter'd, and a *Tribe* was no longer *pars Urbis* but *Civitatis*; not a Quarter of the City, but a Company of Citizens living where they pleas'd. This change was chiefly occaſion'd by the original difference between the *Tribes* in point of Honour. For *Romulus* having committed all Sordid and Mechanic Arts to the care of Strangers, Slaves or Libertines, and reſerv'd the more honeſt labour of Agriculture to the Free-men and Citizens, who by this active courſe of Life might be prepar'd for Martial Service; the *Tribus Ruſticæ* were for this reaſon eſteem'd more honourable than the *Urbanæ*: And now all Perſons being deſirous of getting into the more Creditable Diviſion, and there being ſeveral ways of accompliſhing their Wiſhes, as by Adoption, by the Power of the *Cenſors* and the like; that *Ruſtic Tribe* which had moſt worthy Names in its Roll had the preference to all others, tho' of the ſame general Denomination. Hence all of the ſame great Family, bringing themſelves by degrees into the ſame Tribe, gave the Name of their Family to the Tribe they honour'd; whereas at firſt, the generality of the Tribes, did not borrow their Names from Perſons but from Places. (*b*)

(*a*) *Hor. de Arte Poet.* (*b*) *Dionyſ. lib.* 7. (*b*) *See* Mr. *Walker of Coins p.* 125.

The first Assembly of the *Tribes* we meet with, is about the Year of *Rome* 263. conven'd by *Sp. Sicinius, Tribune* of the Commons, upon account of the Tryal of *Coriolanus*. Soon after, the *Tribunes* of the Commons were order'd to be elected here; and at last all the inferiour Magistrates, and the Collegiate Priests. The same *Comitia* serv'd for the enacting of Laws relating to War and Peace, and all others propos'd by the *Tribunes* and Plebeian Officers; though they had not properly the Name of *Leges*, but *Plebiscita*. They were generally conven'd by the *Tribunes* of the Commons; but the same Privilege was allow'd to all the Magistrates.

They were confin'd to no place, and therefore sometimes we find them held in the *Comitium*, sometimes in the *Campus Martius*, and now and then in the Capitol.

The Proceedings were, in most respects, answerable to those already describ'd in the account of the other *Comitia*, and therefore need not be insisted on; only we may farther observe of the *Comitia* in general, that when any Candidate was found to have most Tablets for a Magistracy, he was declar'd to be *design'd*, or *elected*, by the President of the Assembly: And this they term'd *renunciari Consul, Prætor*, or the like: And that the last sort of the *Comitia* only could be held without the Consent and Approbation of the *Senate*, which was necessary to the convening of the other two. *(a)*

(a) Dionys. lib. 9.

CHAP. XVII.

Of the Roman *Judgments; and first of Private Judgments.*

A *Judgment*, according to *Aristotle*'s definition, is no more than κρίσις τοῦ δικαίου καὶ ἀδίκου, *the decision of Right and Wrong.*

The whole subject of the *Roman* Judgments is admirably explain'd by *Sigonius* in his Three Books *de Judiciis*, from whom the following Account is for the most part extracted.

Judg-

Judgments, or *Determinations* of a proper *Judge*, were made either by a competent number of ſelect Judges, or by the whole People in a General Aſſembly.

Judgments made by one or more ſelect *Judges*, may be divided into publick and private; the firſt relating to Controverſies, the ſecond to Crimes.

The former will be ſufficiently deſcrib'd, if we conſider the Matter, or Subject, of theſe *Judgments*, the Perſons concern'd in them, and the manner of proceeding.

The matter of private *Judgments* takes in all ſort of Cauſes that can happen between Man and Man; which being ſo vaſtly extended, and belonging more immediately to the *Civil* Law, need not here be inſiſted on.

The Perſons concern'd were the Parties, the Aſſiſtants, and the Judges.

The Parties were the *Actor* and *Reus*, the Plaintiff and Defendant.

The Aſſiſtants were the *Procuratores*, and the *Advocati*, of whom, tho' they are often confounded, yet the firſt were properly ſuch Lawyers as aſſiſted the Plaintiff in proving, or the Defendant in clearing himſelf from the matter of Fact: The other, who were likewiſe call'd *Patroni*, were to defend their Clients Cauſe in matters of Law. *(a)*

Both theſe were ſelected out of the ableſt Lawyers, and had their Names entred in the Matriculation-Book of the *Forum*. This was one Condition requiſite to give them the liberty of Pleading; the other was the being retain'd by one Party, or the receiving a Fee, which they term'd *Mandatum*. *(b)*

The Judges, beſides the *Prætor*, or ſupreme Magiſtrate, who preſided in the Court, and allow'd and confirm'd them, were of three ſorts. *Arbitri*, *Recuperatores*, and *Centumviri litibus judicandis*.

Arbitri, whom they call'd ſimply *judices*, were appointed to determine in ſome private Cauſes of no great Conſequence, and of very eaſie deciſion.

Recuperatores were aſſign'd to decide the Controverſies about receiving or recovering things which had been loſt or taken away.

But the uſual Judges in private Cauſes, were the *Centumviri*; three of which were taken out of every Tribe, ſo that their number was five more than their Name imported. 'Tis proba-

(a) *Zouch, Element. Juriſprud.* p. 5. Sect. 3. (b) *Ibid.*

ble that the *Arbitri* and *Recuperatores* were assign'd out of this Body by the *Prætor*.

The manner of carrying on the private Suits was of this nature. The difference failing to be made up between Friends, the injur'd Person proceeded *In jus reum vocare*, to summon or cite the offending Party to the Court; who was oblig'd immediately to go with him, or else to give Bond for his appearance; according to the common Maxim, *In jus vocatus aut eat aut satisdet*.

Both Parties being met before the *Prætor*, or other supreme Magistrate presiding in the Court, the Plaintiff propos'd the Action to the Defendant, in which he design'd to sue him: This they term'd *Edere actionem*, being perform'd commonly by writing it in a Tablet, and offering it to the Defendant, that he might see whether he had best compound or stand the Suit.

In the next place came the *postulatio actionis*, or the Plaintiff's desiring leave of the *Prætor* to prosecute the Defendant in such an Action: This being granted, the Plaintiff, *vadabatur reum*, oblig'd him to give Sureties for his appearance on such a Day in the Court; and this was all that was done in publick, before the prefix'd Day for the Tryal.

In the mean time, the difference us'd very often to be made up, either *Transactione*, or *Pacto*, by letting the Cause fall as dubious and uncertain; or by composition for so much damage, to be ascertain'd by an equal number of Friends.

On the Day appointed for the hearing, the *Prætor* order'd the several Bills to be read, and the Parties to be summon'd by an *Accensus* or Beadle. Upon the default of either Party, the Defaulter lost his Cause. The appearing of both they term'd *se stitisse*; and then the Plaintiff proceeded *litem sive actionem intendere*, to prefer the Suit; which was perform'd in a set Form of Words, varying according to the difference of the Actions. After this, the Plaintiff desir'd Judgment of the *Prætor*; that is, to be allow'd a *Judex* or *Arbiter*, or else the *Recuperatores* or *Centumviri*, for the hearing and deciding the business; but none of these could be desir'd, unless both Parties agreed. The *Prætor*, when he assign'd them their Judges, at the same time, defin'd the number of Witnesses, to hinder the protracting of the Suit; and then the Parties proceeded to give caution, that the Judgment, whatever it was, should stand and be perform'd on both sides. The Judges always took a solemn Oath to be impartial; and the Parties swore they did not go to Law with a design to abuse

buſe one another: This they call'd *Juramentum calumniæ*. Then began the *Diſceptatio cauſæ*, or diſputing the Caſe, manag'd by the Lawyers on both ſides, with the aſſiſtance of Witneſſes, Writings, and the like; the uſe of which, is ſo admirably taught in their Books of Oratory.

In giving Sentence, the major part of the Judges was requir'd to overthrow the Defendant. If the number was equally divided, the Defendant was actually clear'd; and if half condemn'd him in one Sum to be paid, and half in another, the leaſt Sum always ſtood good. (*a*)

The conſequence of the Sentence was, either *in integrum reſtitutio*, *addictio*, *judicium calumniæ*, or *judicium falſi*.

The firſt was, when upon Petition of the Party who was overthrown, the *Prætor* gave him leave to have the Suit come on again, and allow him another full hearing.

Addictio was, when the Party who had been caſt in ſuch a Sum, unleſs he gave Surety to pay it in a little time, was brought by the Plaintiff before the *Prætor*, who deliver'd him into his diſpoſal, to be committed to Priſon, or otherwiſe ſecur'd, 'till ſatisfaction were made.

Judicium Calumniæ, was an Action brought againſt the Plaintiff for falſe Accuſation.

Judicium falſi, was an Action which laid againſt the Judges for Corruption and unjuſt Proceedings.

(*a*) *Zouch. Element.* p. 5. *Sect.* 10.

CHAP. XVIII.

Of Publick Judgments.

FOR the knowledge of Publick Judgments, we may take notice of the Crimes, of the Puniſhments, of the *Quæſitors* and Judges, of the method of proceeding, and of the conſequences of the Tryal.

The Crimes, or the matter of the Publick Judgments, were ſuch Actions as tended either mediately or immediately, to the prejudice of the State, and were forbid by the Laws. As if any Perſon had derogated from the Honour and Majeſty of the Com-

mon-

mon-wealth; had imbezzell'd or put to ill uſes the publick Money, or any Treaſure conſecrated to Religion; or had corrupted the Peoples Votes in an Election; or had extorted Contributions from the Allies; or received Money in any Judgment; or had us'd any violent Compulſion to a Member of the Commonwealth: Theſe they term'd *Crimina Majeſtatis, peculatûs, ambitûs, repetundarum,* and *vis publicæ*: Or if any Perſon had kill'd another with a Weapon, or effected the ſame with Poyſon; or laid violent Hands on his Parents; or had forg'd a Will; or counterfeited the publick Coin; or had corrupted another Man's Wife; or had bought, bound, or conceal'd a Servant without the knowledge of his Maſter: Whence theſe Crimes took the Names, *inter ſicarios, veneficii, parricidii, falſi, adulterii, plagii.*

Beſides theſe, any private Cauſe, by virtue of a new Law, might be made of publick Cognizance.

As to the Puniſhments, they may be allow'd a Chapter by themſelves hereafter.

The Inquiſition of Criminal Matters belong'd at firſt to the Kings, and after the abrogation of that Government, for ſome time to the Conſuls: But being taken from them by the *Valerian Law*, it was conferr'd, as Occaſions happen'd, upon Officers deputed by the People, with the Title of *Quæſitores Parricidii.* But about the Year of the City 604. this power was made perpetual, and appropriated to the *Prætors*, by virtue of an Order of the People at their annual Election; the Inquiſition of ſuch and ſuch Crimes being committed to ſuch and ſuch *Prætors*: Yet upon extraordinary Occaſions, the People could appoint other *Quæſitores*, if they thought convenient.

Next to the *Quæſitor*, was the *Judex quæſtionis*; call'd alſo by *Aſconius Princeps judicum*, who, tho' he is ſometimes confounded with the *Prætor*, yet was properly a Perſon of Note, deputed by the *Prætor* to manage the Tryal, of which he himſelf perform'd only the main buſineſs.

After him were the *Judices ſelecti*, who were ſummon'd by the *Prætor* to give their Verdict in Criminal Matters, in the ſame manner as our Juries. They were choſe every Year to a ſet number defin'd by the Laws, which by reaſon of the preferring of new Laws, often varied.

As to the method of the Proceedings, the firſt Action, which they term'd *in jus vocatio*, was much the ſame in publick as in private Cauſes: But then, as the *Poſtulatio* of the Plaintiff conſiſted in deſiring leave of the *Prætor* to enter a Suit againſt the Defen-

Defendant; ſo here the Accuſer deſir'd permiſſion to enter the Name of the Offender, with the Crime which he objected to him: This they call'd *Nominis delatio*; being perform'd firſt *vivâ voce*, in a ſet Form of Words, according to the nature of the Crime, and then offer'd to the *Prætor*, being wrot in a Tablet; if approv'd by the *Prætor*, the accus'd Party's Name was entred in the Roll of Criminals; both Perſons having taken the *Oath of Calumny* already ſpoken of.

At the entrance of the Name, the *Prætor* appointed a ſet Day for the Tryal: And from that time the accus'd Perſon chang'd his Habit, going in Black 'till the Tryal was over, and uſing in his Dreſs and Carriage all Tokens of Sorrow and Concern.

Upon the appointed Day, the Court being met, and both Parties appearing, the firſt thing that was done, was the *ſortitio judicum*, or impannelling the Jury; perform'd commonly by the *Judex Quæſtionis*, who took by Lot ſuch a number out of the Body of the *Judices ſelecti*, as the particular Law on which the Accuſation was founded, had determin'd; Liberty being given to both Parties to reject (or, as we call it, to challenge) any that they pleas'd, the *Prætor* or *Judex Quæſtionis* ſubſtituting others in their Places.

The Jury being thus choſe, was cited by the publick Servants of the Court; and when the proper number appear'd, they were ſworn, and then took their places in the *Subſellia*, and heard the Tryal.

In this we may reckon four Parts, *Accuſatio*, *Defenſio*, *Laudatio*, and *Latio ſententiæ*.

Accuſatio is defin'd, *prepetua oratio ad crimina inferenda atque augenda artificioſe compoſita*, *A continu'd Oration artificially, compos'd for the making out and heightning the Crimes alledg'd*: For it did not only conſiſt in giving a plain Narration of the matter of Fact, and confirming it by Witneſſes and other Evidences; but in bringing of other Arguments too, drawn from the nature of the thing, from the Character of the accus'd Perſon, and his former courſe of Life, from the circumſtances of the Fact, and ſeveral other Topicks, which the Orators teach us to enlarge upon: Nor was the Accuſer limited in reſpect of time, being allow'd commonly as many Days as he pleas'd, to make good his Charge.

Defenſio belong'd to the Lawyers or Advocates retain'd by the accus'd Party, who in like manner were allow'd to ſpeak as many Days as they pleas'd, toward the clearing of their Client. The three

three common Methods they took, were *Facti negatio, negatio nominis facti,* or *probatio jure factum:* either plainly to deny the matter of Fact, and endeavour to evince the contrary; or elſe to acknowledge the Fact, and yet to deny that it fell under the nature of the Crime objected: Or, laſtly, to prove the Fact lawful.

The firſt way of Defence was generally us'd when the Perſon ſtood indicted of what they call'd *crimen repetundarum,* and *crimen ambitûs*; the next in the *crimen Majeſtatis,* and the laſt in caſes of Murder.

Cicero has given us an excellent Example in every kind. Of the firſt in his Orations for *Fonteius, Flaccus, Muræna,* and *Plancius*: Of the ſecond in that for *Cornelius*; and of the third in his admirable defence of *Milo.*

Laudatio was a cuſtom like that in our Tryals, of bringing in Perſons of credit to give their Teſtimony of the accus'd Perſon's good Behaviour, and integrity of Life. The leaſt number of theſe *Laudatores* us'd to be Ten.

In the *latio ſententiæ,* or pronouncing Sentence, they proceeded thus: After the Orators on both ſides had ſaid all they deſign'd, the Cryer gave notice of it accordingly; and then the *Prætor* ſent out the Jury to conſult, *(mittebat judices in conſilium)* delivering to every one Three Tablets cover'd with Wax, one of Abſolution, another of Condemnation, and a third of *Ampliation,* or Adjournment of the Tryal; the firſt being mark'd with A; the ſecond with C; the other with N, L. or *non liquet.*

In the place where the Jury withdrew, was ſet a proper number of Urns, or Boxes, into which they threw what Tablet they pleas'd; the accus'd Perſon proſtrating himſelf all this while at their Feet, to move their Compaſſion.

The Tablets being drawn, and the greateſt number known, the *Prætor* pronounc'd Sentence accordingly. The Form of Condemnation was uſually *videtur feciſſe,* or *non jure videtur feciſſe*: Of Abſolution, *non videtur feciſſe:* Of *Ampliation, amplius cognoſcendum.* Sometimes he mention'd the Puniſhment, and ſometimes left it out, as being determin'd by the Law, on which the Indictment was grounded.

The conſequences of the Tryal in criminal Matters, may be reduc'd to theſe four Heads, *Æſtimatio litis, Animadverſio, Judicium calumniæ,* and *Judicium prævaricationis.*

Æſti-

Æſtimatio litis; or the rating of of the Damages, was in uſe only in Caſes of Bribery, and abuſe of the publick Money.

Animadverſio, was no more than the putting the Sentence in execution, which was left to the care of the *Prætor*.

But in caſe the Party was abſolv'd, there lay two Actions againſt the Accuſer; one of Calumny, the common Puniſhment of which was *frontis inuſtio*, burning in the Forehead: And the other of Prevarication, when the Accuſer, inſtead of urging the Crime home, ſeem'd rather to hide or extenuate the Guilt: Hence the Civilians define a Prevaricator, to be *one that betrays his Cauſe to the Adverſary, and turns on the Criminal's ſide whom he ought to proſecute.*

CHAP. XIX.

Judgments of the whole People.

THE People were ſometimes the Judges both in private and publick Cauſes; tho' of the firſt, we have only one Example in *Livy*; the other we frequently meet with in Authors.

Theſe Judgments were made firſt at the *Comitia Curiata*, and afterwards at the *Centuriata*, and *Tributa*; the Proceedings in all which Aſſemblies have been already ſhewn: What we may further obſerve is this: When any Magiſtrate deſign'd to impeach a Perſon of a Crime before the whole People, he aſcended the *Roſtra*, and calling the People together by a Cryer, ſignified to them, That upon ſuch a Day, he intended to accuſe ſuch a Perſon of ſuch a Crime: This they term'd *reo diem dicere*: The ſuſpected Party was oblig'd immediately to give Sureties for his Appearance on the Day prefix'd, and in default of Bail was commanded to Priſon.

On the appointed Day, the Magiſtrate again aſcended the *Roſtra*, and cited the Party by the Cryer; who, unleſs ſome other Magiſtrate of equal Authority interpos'd, or a ſufficient Excuſe was offer'd; was oblig'd to appear, or might be puniſh'd at the Pleaſure of the Magiſtrate who accus'd him: If he appear'd, the Accuſer began his Charge, and carried it on every other Day, for ſix Days together; at the end of the Indictment, menti-

mentioning the particular Puniſhment ſpecified in the Law for ſuch an Offence: This intimation they term'd *anquiſitio*. The ſame was immediately after expreſs'd in Writing, and then took the Name of *Rogatio*, in reſpect of the People, who were to be ask'd or conſulted about it; and *Irrogatio* in reſpect of the Criminal, as it imported the Mulct or Puniſhment aſſign'd him by the Accuſer. This *Rogatio* was publickly expos'd three *Nundinæ*, or Market-days together, for the information of the People. On the third Market-day, the Accuſer again aſcended the *Roſtra*; and the People being call'd together, undertook the fourth turn of his Charge, and having concluded, gave the other Party leave to enter upon his Defence, either in his own Perſon, or by his Advocates.

At the ſame time, as the Accuſer finiſh'd his fourth Charge, he gave notice what Day he'd have the *Comitia* meet to receive the Bill, the *Comitia Tributa* to conſider of Mulcts, and the *Centuriata* for Capital Puniſhments.

But in the mean time, there were ſeveral ways by which the accus'd Party might be reliev'd; as firſt, if the Tribunes of the Commons interpos'd in his behalf; or if he excus'd himſelf by voluntary Exile, Sickneſs, or upon account of providing for a Funeral; or if he prevail'd with the Accuſer to relinquiſh his Charge, and let the Cauſe fall; or if upon the Day appointed for the *Comitia*, the *Augurs* diſcover'd any ill Omens; and ſo forbad the Aſſembly.

If none of theſe happen'd, the *Comitia* met, and proceeded, as has been already deſcrib'd; and as for the *Animadverſio* or putting the Sentence in execution, this was perform'd in the ſame manner as in the *Prætorian* Judgments.

The Forms of Judgments which have been thus deſcrib'd, muſt be ſuppos'd to have prevail'd chiefly in the time of the free State: For as the Kings before, ſo the Emperours afterwards, were themſelves Judges in what Cauſes, and after what manner they pleas'd; as *Suetonius* particularly informs us of almoſt all the Twelve *Cæſars*. 'Twas this gave occaſion to the riſe of the *Mandatores* and *Delatores*, a ſort of Wretches to be met with in every part of Hiſtory. The buſineſs of the former was to mark down ſuch Perſons as upon Inquiſition they pretended to have found guilty of any Miſdemeanour; and the latter were employ'd in accuſing and proſecuting them upon the other's Order. This miſchievous Tribe, as they were countenanc'd and rewarded by ill Princes, ſo were they extremely

deteſt-

deteſted by the good Emperours. *Titus* proſecuted all that could be found upon the moſt diligent ſearch, with Death or perpetual Baniſhment (*a*): And *Pliny* reckons it among the greateſt Praiſes of *Trajan*, that he had clear'd the City from the perjur'd Race of Informers. (*b*)

(*a*) *Sueton. in Tit. cap.* 8. (*b*) *Plin. in Panegyric.*

CHAP. XX.

Of the Roman *Puniſhments.*

THE accurate *Sigonius* has divided the Puniſhments into eight ſorts, *Damnum*, *Vincula*, *Verbera*, *Talio*, *Ignominia*, *Exilium*, *Servitus*, *Mors*.

Damnum was a pecuniary Mulct or Fine ſet upon the Offender, according to the quality of the Crime.

Vincula ſignifies the guilty Perſon's being condemn'd to Impriſonment and Fetters; of which they had many ſorts, as *Manicæ*, *Pedicæ*, *Nervi*, *Boiæ*, and the like. The publick Priſon in *Rome* was built by *Ancus Martius*, hard by the *Forum*: (*a*) To which a new part was added by *Servius Tullius*, called thence *Tullianum*: *Salluſt* deſcribes the *Tullianum* as an Apartment under ground, (*b*) into which they put the moſt notorious Criminals. The higher part, rais'd by *Ancus Martius*, has commonly the Name of the *Robur*; from the Oaken Planks which compos'd it. For the keeping of the Priſon, beſides the *Triumviri*, was appointed a ſort of Gaoler, whom *Valerius Maximus* calls *Cuſtos carceris*, (*c*) and *Pliny Commentarienſis*. (*d*)

Verbera, or Stripes, were inflicted either with Rods [*Virgæ*] or with Battoons [*Fuſtes*:] The firſt commonly preceded capital Puniſhments, properly ſo call'd: The other was moſt in uſe in the Camp, and belong'd to the Military Diſcipline.

Talio was a Puniſhment by which the guilty Perſon ſuffer'd exactly after the ſame manner as he had offended; as in Caſes of maiming, and the like. Yet *A. Gellius* informs us, that the Criminal was allow'd the liberty of compounding with the Perſon

(*a*) *Liv. lib.* 1. (*b*) *In Bello Catilinar.* (*c*) *Lib.* 5. (*d*) *Lib.* 7. *cap.* 38.

he

he had injur'd; ſo that he needed not ſuffer the *Talio* unleſs he voluntarily choſe it. (*a*)

Ignominia was no more than a publick Shame which the offending Perſon underwent, either by virtue of the *Prætor*'s Edict, or more commonly by Order of the *Cenſor*: This Puniſhment, beſides the Scandal, took away from the Party, on whom 'twas inflicted, the Privilege of bearing any Office, and almoſt all other Liberties of a *Roman* Citizen.

Exilium was not a Puniſhment immediately, but by conſequence; for the Phraſe us'd in the Sentence and Laws, was *Aquæ & ignis interdictio*, the forbidding the uſe of Water and Fire, which being neceſſary for Life, the condemn'd Perſon was oblig'd to leave his Country. Yet in the times of the latter Emperours, we find it to have been a poſitive Puniſhment, as appears from the Civil Law. *Relegatio* may be reckon'd under this Head, tho' it were ſomething different from the former; this being the ſending a Criminal to ſuch a Place, or for ſuch a Time, or perhaps for ever, by which the Party was not depriv'd of the Privilege of a Citizen of *Rome*, as he was in the firſt ſort of Baniſhment, which they properly call'd *Exilium*. *Suetonius* ſpeaks of a new ſort of *Relegatio* invented by the Emperour *Claudius*; by which he order'd ſuſpected Perſons not to ſtir three Miles from the City. (*b*) Beſides this *Relegatio* they had two other kinds of Baniſhment, which they term'd *Deportatio*; and *Proſcriptio*; tho' nothing is more common than to have them confounded in moſt Authors. *Deportatio*, or Tranſportation differ'd in theſe Reſpects from *Relegatio*; that whereas the *Relegati* were condemn'd either to change their Country for a ſet time, or for ever, and loſt neither their Eſtate and Goods, nor the Privilege of Citizens: On the contrary the, *Deportati* were baniſh'd always for ever, and loſt both their Eſtates and Privileges, being counted dead in the Law. (*c*) As for the *Proſcripti* they are defin'd by the Lawyers to be *ſuch Perſons whoſe Names were fix'd up in Tablets at the Forum, to the end that they might be brought to Juſtice; a Reward being propos'd to thoſe that took them, and a Puniſhment to thoſe that conceal'd them.* (*d*) *Sylla* was the firſt Inventor of this Practice, and gave himſelf the greateſt Example of it that we meet with, *proſcribing* 2000 Knights and Senators at once. (*e*) 'Tis plain, that this was not a poſitive Baniſhment, but a for-

(*a*) *Vide Agell. lib.* 11. *cap.* 1. (*b*) *Suet. in Claud. cap.* 33. (*c*) *Calvin. Lexicon Juridic in voc. Deportati & Relegat.* (*d*) *Ibid in voce Proſcripti.* (*e*) *Florus, lib.* 2. *cap.* 28.

for-

forcing Perſons to make uſe of that ſecurity; ſo that we may fancy it of like nature with our Outlawry.

Servitus was a Puniſhment, by which the Criminal's Perſon as well as Goods was publickly expos'd to ſale by Auction: This rarely happen'd to the Citizens, but was an uſual way of treating Captives taken in War, and therefore will be deſcrib'd hereafter.

Under the Head of Capital Puniſhments, the *Romans* reckoned extreme Baniſhment, becauſe thoſe who underwent that Sentence were in a civil Sence dead. But becauſe this Puniſhment has been already deſcrib'd, we are only now to take notice of ſuch as reach'd the Offender's Life.

Mors.

The chief of theſe were, *Percuſſio ſecuri*, *Strangulatio*, *Præcipitatio de robore*, *Dejectio è rupe Tarpeiâ*, *in crucem actio*, and *Projectio in profluentem.*

The firſt was the ſame as beheading with us.

The ſecond was perform'd in the Priſon, as it is now in *Turkey.*

The third and fourth were a throwing the Criminal headlong either from that part of the Priſon call'd *Robur*; or from the higheſt part of the *Tarpeian* Mountain.

The fifth Puniſhment, namely Crucifixion, was ſeldom inflicted on any but Slaves, or the meaneſt of the Commons; yet we find ſome Examples of a different Practice; and *Suetonius* particularly relates of the Emperour *Galba*, that having condemned a *Roman* Citizen to ſuffer this Puniſhment for poyſoning his Ward, the Gentleman, as he was carrying to Execution, made a grievous complaint that a Citizen of *Rome* ſhould undergo ſuch a ſervile Death; alledging the Laws to the contrary: The Emperour hearing his Plea, promis'd to alleviate the ſhame of his Sentence, and order'd a Croſs much larger and more neat than ordinary to be erected, and to be waſh'd over with White Paint, that the Gentleman who ſtood ſo much on his Quality, might have the Honour to be hang'd in State. *(a)*

The Croſs and the *Furca* are commonly taken for the ſame thing in Authors; tho', properly ſpeaking, there was a great difference between them. The *Furca* is divided by *Lipſius* into *Ignominioſa* and *Pœnalis*: The former *Plutarch* deſcribes to be that piece of Wood which ſupports the Thill of a Waggon: He adds, that 'twas one of the greateſt Penances for a Servant who

(a) *Sueton. in Galbâ, cap. 9.*

had offended, to take this upon his Shoulders, and carry it about the Neighbourhood; for whoever was ſeen with this infamous Burden, had no longer any Credit or Truſt among thoſe who knew it, but was call'd *Furcifer* by way of Ignominy and Reproach. (*a*) *Furca pœnalis* was a piece of Wood, much of the ſame ſhape as the former, which was faſtned about the convicted Perſon's Neck, he being generally either ſcourg'd to death under it; or lifted up by it upon the Croſs. *Lipſius* makes it the ſame with the *Patibulum*, and fanſies that for all the Name, it might not be a forked piece of Timber, but rather a ſtraight Beam, to which the Criminal's Arms being ſtretch'd out, were tied; and which, being hoiſted up at the place of Execution, ſerv'd for the tranſverſe part of the Croſs.

Projectio in profluentem was a Puniſhment proper to the Crime of Parricide; (or the Murder of any near Relation) The Perſon convicted of this unnatural Guilt, was immediately hooded, as unworthy of the common Light: In the next place, he was whipp'd with Rods, and then ſow'd up in a Sack and thrown into the Sea; or, in Inland Countries, into the next Lake or River. Afterwards, for an Addition to the Puniſhment, a Serpent us'd to be put into the Sack with the Criminal; and by degrees, in latter times, an Ape, a Dog, and a Cock. The Sack which held the Malefactor, was term'd *Culeus*; and hence the Puniſhment it ſelf is often ſignified by the ſame Name. The reaſon of the addition of the living Creatures is thought to have been, that the condemn'd Perſons might be tormented with ſuch troubleſome Company, and that their Carcaſſes might want both burial and reſt. *Juvenal* expreſly alludes to this Cuſtom in his eighth Satyr.

Libera ſi dentur populo ſuffragia, quis tam
Perditus, ut dubitet Senecam *præferre* Neroni,
Cujus ſupplicio non debuit una parari
Simia, non Serpens unus, non culeus unus?

Had we the freedom to expreſs our Mind,
There's not a Wretch ſo much to Vice inclin'd,
But will own *Seneca* did far excell
His Pupil, by whoſe Tyranny he fell,
To expiate whoſe complicated Guilt
With ſome proportion to the Blood he ſpilt,

(*a*) *Vide Plutarch. in Coriolan.*

Rome

Rome ſhould more Serpents, Apes, and Sacks provide
Than one, for the Compendious Parricide.

[Mr. *Stepney*.

The ſame Poet in another place intimates, that this Sack was made of Leather. (*a*)

Tully, in his Defence of *Sextus Roſcius*, who ſtood arraign'd for *Parricide*, has given an admirable account of this Puniſhment, with the Reaſons on which it was grounded; particularly, that the Malefactor was thrown into the Sea, ſow'd up in a Sack, for fear he ſhould pollute that Element, which was reckon'd the common Purifier of all things.

Beſides the Puniſhments mention'd by *Sigonius*, who ſeems to conſider the *Roman* People as in a free State, we meet with abundance of others, either invented or reviv'd in the times of the Emperors, and eſpecially in later Ages: Among theſe, we may take notice of three, as the moſt conſiderable, *Ad Ludos*, *ad Metalla*, *ad Beſtias*.

The Lawyers divide *Ludus*, when they take it for a Puniſhment, into *Venatorius* and *Gladiatorius*. (*b*) By the former, the convicted Perſons (commonly Slaves) were oblig'd to engage with the wild Beaſts in the Amphitheatre; by the latter, they were to perform the part of *Gladiators*, and ſatisfie Juſtice by killing one another.

Ad Metalla, or a condemning to work in the Mines, *Suidas* would have to be invented by *Tarquinius Superbus*. (*c*) Whatever reaſon he had for his Aſſertion, 'tis certain we rarely find it mention'd 'till the times of the later Emperours; and particularly in the Hiſtories of the Perſecutions of the *Chriſtians*, who were uſually ſent in great numbers to this laborious and ſlaviſh Employment, with the Name of *Metallici*.

The throwing of Perſons to wild Beaſts, was never put in execution but upon the vileſt and moſt deſpicable Malefactors in Crimes of the higheſt nature. This too was the common Doom of the *Primitive Chriſtians*; and 'tis to the accounts of their Sufferings, we are beholden for the knowledge of it. It may be obſerv'd, that the Phraſe, *ad Beſtias dari*, ſignifies as well ſuch Criminals as were condemn'd to fight with the Beaſts, as thoſe who were deliver'd to them to be devour'd: And the former of theſe were properly term'd *Beſtiarii*. (*d*)

There's ſtill one Puniſhment behind, worth our Obſervation, and which ſeems to have been proper to Incendiaries, and that was the wrapping up the Criminal in a ſort of Coat, daub'd over with

(*a*) *Calvin. Lexicon. Juridic.* (*b*) *In voce* Σάτυρος. (*c*) *Calvin. in voc. ad Beſtias dari.* (*d*) *Ibid in Beſtiarii.*

Pitch, and then ſetting it on fire. Thus when *Nero* had burnt *Rome*, to ſatisfie his curioſity with the Proſpect; he contriv'd to lay the *Odium* on the *Chriſtians*, as a ſort of Men generally deteſted; and ſeizing on all he cou'd diſcover, order'd them to be lighted up in this manner, and to ſerve for Tapers in the dark; which was a much more cruel Jeſt than the former, that occaſion'd it. *Juvenal* alludes to this Cuſtom in his eighth Satyr.

Auſi quod liceat tunicâ punire moleſtâ.
To recompence whoſe barbarous Intent
Pitch'd Shirts wou'd prove a legal Puniſhment.

CHAP. XXI.

Of the Roman *Laws in general.*

IN the beginning of the *Roman* State, we are aſſur'd all things were manag'd by the ſole Authority of the King, without any certain Standard of Juſtice and Equity. But when the City grew tolerably populous, and was divided by *Romulus* into Thirty *Curiæ*, he began to prefer Laws at the Aſſembly of thoſe *Curiæ*, which were confirm'd, and univerſally receiv'd. The like practice was follow'd by *Numa*, and ſeveral other Kings; all whoſe Conſtitutions being collected into one Body, by *Sextus Papirius*, who liv'd in the time of *Tarquin the Proud*, took from him, the Name of *Jus Papirianum.*

But all theſe were abrogated ſoon after the expulſion of the Royal Family, and the judicial Proceedings for many Years together, depended only on Cuſtom, and the Judgment of the Court. At laſt, to redreſs this Inconvenience, Commiſſioners were ſent into *Greece*, to make a Collection of the beſt Laws for the Service of their Country; and, at their return, the *Decemviri* were created to regulate the Buſineſs, who reduc'd them into Twelve Tables, as has been already ſhewn. The excellency of which Inſtitution, as it is ſufficiently ſet forth by moſt Authors, ſo is it eſpecially beholden to the high *Encomium* of *Cicero*, when he declares it as his poſitive Judgment and Opinion, That *the Laws of the Twelve Tables are juſtly to be preferr'd to whole Libraries of the Philoſophers.* (a)

(a) *Cicero de Oratore, lib.* 1.

They

They were divided into three Parts, of which the firſt related to the Concerns of Religion; the ſecond to the Right of the Publick; and the laſt to private Perſons.

Theſe Laws being eſtabliſh'd, it neceſſarily follow'd, that there ſhou'd be Diſputations and Controverſies in the Courts, ſince the Interpretation was to be founded on the Authority of the Learned. This Interpretation they call'd *Jus Civile*, though at preſent we underſtand by that Phraſe, the whole Syſtem of the *Roman* Laws.

Beſides, out of all theſe Laws, the Learned Men of that Time, compos'd a Scheme of Forms and Caſes, by which the Proceſſes in the Courts were directed. Theſe were term'd *Actiones Legis*.

We may add to theſe, the Laws preferr'd at the Publick Aſſemblies of the People; and the *Plebiſcita*, made without the Authority of the Senate, at the *Comitia Tributa*, which were allow'd to be of equal force with other Conſtitutions, though they were not honour'd with the Title of *Leges*.

And then the *Senatus-conſulta*, and Edicts of the Supreme Magiſtrates, particularly of the *Prætors*, made up two more ſorts of Laws, the laſt of which, they call'd *Jus honorarium*.

And, laſtly, when the Government was entruſted in the hands of a ſingle Perſon, whatever he ordain'd, had the Authority of a Law, with the Name of *Principalis Conſtitutio*.

Moſt of theſe daily encreaſing, gave ſo much ſcope to the Lawyers for the compiling of Reports and other Labours, that in the Reign of *Juſtinian*, there were extant Two thouſand diſtinct Volumes on this Subject. The Body of the Law being thus grown unweildy, and render'd almoſt uſeleſs by its exceſſive Bulk, that excellent Emperour entred on a deſign to bring it into juſt dimenſions; which was happily accompliſh'd in the conſtituting thoſe Four Tomes of the *Civil* Law, which are now extant, and have contributed, in a great meaſure, to the regulating of all the States in Chriſtendom: So that the old Fancy of the *Romans*, about the eternity of their Command, is not ſo ridiculous as at firſt ſight it appears; ſince by their admirable Sanctions, they are ſtill like to Govern for ever.

CHAP. XXII.

Of the Laws in particular; and firſt of thoſe relating to Religion.

AS for the Laws of the Twelve Tables, and other more ancient Inſtitutions, as it wou'd require no ordinary Stock of Criticiſm barely to explain their Words; ſo is the Knowledge of them almoſt uſeleſs, ſince they are ſo ſeldom mention'd by the Claſſicks. Thoſe which we generally meet with, are ſuch as were preferr'd by ſome particular Magiſtrate, from whom they took their Names; theſe, by reaſon of their frequent Occurrence in the beſt Writers, deſerve a ſhort explication, according to the common Heads laid down by thoſe Authors who have hitherto manag'd this Subject; beginning with ſuch as concern'd the Publick Worſhip, and the Ceremonies of Religion.

Sulpitia Sempronia Lex, the Authors *P. Sulpitius Saverrio*, and *P. Sempronius Sophus*, in their Conſulſhip, *A.* 449. ordaining, That no Perſon ſhou'd conſecrate any Temple, or Altar, without the Order of the *Senate*, and the major part of the *Tribunes*. *(a)*

Papiria Lex, the Author *L. Papirius*, Tribune of the Commons; commanding, that no Perſon ſhou'd have the liberty of conſecrating any Ædifice, Place, or Thing, without the leave of the Commons. *(b)*

Cornelia Lex, the Author *L. Cornelius Sulla*, defining the Expences of Funerals. *(c)*

Sextia Licinia Lex, the Authors *L. Sextius* and *Licinius*, *Tribunes* of the Commons, *A.* 385. commanding, That inſtead of the *Duumviri ſacris faciundis*, a *Decemvirate* ſhou'd be created, part out of the *Patricians*, and part out of the Commons. *(d)*

Ogulnia Lex, the Authors *Q.* and *Cn. Ogulnii*, *Tribunes* of the Commons, *A.* 453. commanding, That whereas there were then but Four *Pontifices*, and Four *Augurs*, Five more ſhou'd be added out of the Commons to each Order. *(e)*

(a) Liv. lib. 9. *(b) Cicero in Orat. pro Domo ſuâ. (c) Plut. in Syll. (d) Liv. lib.* 6. *(e) Liv. lib.* 10.

Manlia

Manlia Lex, the Author *P. Manlius*, *Tribune* of the Commons, *A.* 557. enacted for the creation of the *Treſviri Epulones*, an old Inſtitution of *Numa*'s. (*a*)

Clodia Lex, the Author *P. Clodius* in his *Tribuneſhip*, *A.* 695. diveſting the Prieſt of *Cybele* (or the *Great Mother*, who came from *Peſſinum*) of his Office, and conferring it on *Brotigarus* a *Gallo-Græcian*. (*b*)

Papia Lex, ordering the manner of chuſing the *Veſtal* Virgins, (*c*) as has been already deſcrib'd.

The Puniſhment of thoſe holy Recluſes is grounded on the Laws of *Numa*.

Licinia Lex, preferr'd by *C. Licinius Craſſus*, *Tribune* of the Commons, *A.* 608. for the transferring the Right of chuſing Prieſts, from the College to the People; (*d*) but it did not paſs. (*e*)

Domitia Lex, the Author *Cn. Domitius Ahenobarbus*, *Tribune* of the Commons, *A.* 650. actually transferring the ſaid Right to the People. (*f*)

Cornelia Lex, the Author *L. Cornelius Sulla*, *Dictator* and *Conſul* with *Q. Metellus*, *A.* 677. abrogating the former Law of *Domitius*, and reſtoring the Privilege there mention'd to the College. (*g*)

Atia Lex, the Author *T. Atius Labienus*, *Tribune* of the Commons, *A.* 690 repealing the *Cornelian Law*, and reſtoring the *Domitian*. (*h*)

Antonia Lex, the Author *M. Antony* in his Conſulſhip with *Julius Cæſar*, *A.* 709. abrogating the *Ætian* Law, and reſtoring the *Cornelian*. (*i*) *Paulus Manutius* has conjectur'd from ſeveral Reaſons, that this Law of *Antony* was afterwards repeal'd, and the Right of chuſing Prieſts entruſted in the hands of the People.

To this Head is commonly referr'd the Law about the exemption from Military Service, or *de Vacatione*, in which there was a very remarkable Clauſe, *Niſi bellum Gallum exoriatur*: *Unleſs in caſe of a* Gallick *Inſurrection*. In which caſe, no Perſons, not the Prieſts themſelves, were excus'd; the *Romans* apprehending more danger from the *Gauls* than from any other Nation, becauſe they had once taken their City. (*k*)

As alſo the Three Laws about the *Shows*.

(*a*) *Cic. de Orat lib.* 3. (*b*) *Idem Or. pro Seſt. & de Haruſp. Reſponſ.* (*c*) *A. Gellius.* (*d*) *Cic. de Amicitiâ.* (*e*) *Idem.* (*f*) *Suet. in Ner. Patercul. lib.* 2. *Cic. Agrar.* 2. (*g*) *Aſconius in Divination.* (*h*) *Dio, lib.* 37. (*i*) *Dio. lib.* 44. (*k*) *Plut. in Marcell. Cic pro Fonteio & Philip.* 8.

Licinia Lex, the Author *P. Licinius Varus*, City *Prætor*, *A.* 545. ſetling the Day for the celebration of the *Ludi Apollinares*, which before was uncertain. (*a*)

Roſcia Lex Theatralis, the Author *L. Roſcius Otho*, *Tribune* of the Commons, *A.* 685. ordaining, That none ſhould ſit in the Firſt fourteen Seats of the Theatre, unleſs they were worth Four hundred *Seſtertiums*, which was then reckon'd the *Cenſus Equeſtris*. (*b*)

Auguſtus Cæſar, after ſeveral of the *Equeſtrian* Families had impair'd their Eſtates in the Civil Wars, interpreted this Law, ſo as to take in all thoſe whoſe Anceſtors ever had poſſeſs'd the Summ there ſpecified.

(*a*) *Liv. lib.* 27. *Alex. Neopolitan.* &c. (*b*) *Cic. Philipp.* 2. *Aſcon. in Cornelian. Juven. Sat.* 3. & 14. *Horat. Epod.* 4. *Epiſt.* 1.

CHAP. XXIII.

Laws relating to the Rights and Privileges of the Roman *Citizens.*

VALERIA Lex de Provocatione, the Author *P. Valerius Poplicola*, ſole Conſul upon the death of his Collegue *Brutus*, *A.* 243. giving liberty to appeal from any Magiſtrate to the People, and ordering that no Magiſtrate ſhou'd puniſh a *Roman* Citizen in caſe of ſuch an Appeal. (*a*)

Valeria Horatia Lex, the Authors *L. Valerius* and *M. Horatius*, Conſuls *A.* 304. reviving the former Law, which had been of no force under the *Decemvirate* (*b*).

Valeria Lex tertia, the Author *M. Valerius Corvinus*, in his Conſulſhip with *Q. Apuleius Panſa*, *A.* 453. no more than a confirmation of the firſt *Valerian* Law. (*c*)

Porcia Lex, the Author *M. Porcius*, Tribune of the Commons in the ſame Year as the former; commanding, That no Magiſtrate ſhou'd execute, or puniſh with Rods, a Citizen of *Rome*; but upon the Sentence of Condemnation, ſhou'd give him permiſſion to go into exile. (*d*)

(*a*) *Liv. lib.* 9. *Plut. in Poplicol.* &c. (*b*) *Liv. lib.* 3. (*c*) *Liv. lib.* 10. (*d*) *Liv. lib.* 10. *Cic. pro Rabirio. Salluſt. in Catilinar. Sueton. in Ner* &c.

Sem-

Sempronia Leges, the Author *C. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 630. commanding, That no capital Judgment ſhou'd be made upon a Citizen, without the Authority of the People. and making ſeveral other Regulations in this Affair. (*a*)

Papia Lex de Peregrinis, the Author *C. Papius*, *Tribune* of the Commons, *A.* 688. commanding, That all Strangers ſhould be expell'd *Rome*. (*b*)

Junia Lex, the Author *M. Junius Pennus*, a confirmation of the former Law, and a forbidding, That any Stranger ſhou'd be allow'd the Privilege of Citizens. (*c*)

Servilia Lex, the Author *C. Servilius Glaucia*, ordaining, That if any *Latin* accus'd a *Roman* Senator, ſo that he was convicted, the Accuſer ſhou'd be honour'd with the Privilege of a Citizen of *Rome*. (*d*)

Licinia Mutia Lex, the Authors *L. Licinius Craſſus*, and *Q. Mutius Scævola*, in their Conſulſhip, *A.* 658. ordering all the Inhabitants of *Italy* to be enroll'd in the Liſt of Citizens in their own proper Cities. (*e*)

Livia Lex de Sociis: In the Year of the City 662. *M. Livius Druſus* propos'd a Law to make all the *Italians* free Denizons of *Rome*; but before it came to be voted, he was found murder'd in his Houſe, the Author unknown. (*f*)

Varia Lex: upon the death of *Druſus*, the Knights prevail'd with his Collegue *Q. Varius Hybrida*, to bring in a Bill for the proſecuting of all ſuch Perſons as ſhou'd be diſcover'd to have aſſiſted the *Italian* People in their Petition for the Privilege of the City (*g*).

Julia Lex de Civitate: The next Year, upon the Revolt of ſeveral States in *Italy* (which they call'd the *Social War*) *L. Julius Cæſar*, the Conſul made a Law, That all thoſe People, who had continu'd firm to the *Roman* Intereſt, ſhou'd have the Privilege of Citizens (*h*): And in the Year 664. upon the concluſion of that War, all the *Italian* People were admitted into the Roll of Free Denizons, and divided into Eight new Tribes. (*i*)

Slvani & Carbonis Lex, the Authors *Sylvanus* and *Carbo*, *Tribunes* of the Commons, in the Year 664. ordaining, That any Perſons, who had been admitted Free Denizons of any of the

(*a*) *Cic. pro Rabirio, pro Domo, ſuâ, pro Cluentio*, &c. (*b*) *Cic. pro Balbo.* (*c*) *Cic. Offic. lib.* 3. (*d*) *Aſcon. in Orat. pro Scauro. Cic. pro Balbo.* (*e*) *Cic. de Offic. lib.* 3. *& pro Balbo.* (*f*) *Flor. lib.* 3. *cap.* 17. *Cic. de Leg. lib.* 3. (*g*) *Cic. in Bruto, Val. Max. lib.* 8. *cap.* 6. (*h*) *Cic. pro Balbo.* (*i*) *Appian. lib.* 1.

Confe-

Confederate Cities, and had a Dwelling in *Italy* at the time of the making this Law, and had carried in their Names to the *Prætor* in Sixty Days time, ſhou'd have the Privilege of Citizens of *Rome*. (*a*)

Sulpitia Lex, the Author *P. Sulpitius*, *Tribune* of the Commons, *A.* 665. ordaining, That the New Citizens, who compos'd the Eight Tribes, ſhou'd be divided among the Thirty five Old Tribes, as a greater Honour. (*b*)

Cornelia Lex, the Author *L. Cornelius Sulla*, *A.* 670. a confirmation of the former Law, to pleaſe the *Italian* Confederates. (*c*)

Cornelia Lex de Municipiis, the Author the ſame *Sulla*, in his Dictatorſhip, taking away the Privileges formerly granted to the Corporate Towns, from as many as had aſſiſted *Marius*, *Cinna*, *Sulpicius*, or any of the contrary Faction. (*d*)

Gellia Cornelia Lex, the Authors *L. Gellius Poplicola*, and *Cn. Cornelius Lentulus*, *A.* 681. ordaining, That all thoſe Perſons whom *Pompey*, by his own Authority, had honour'd with the Privilege of the City, ſhou'd actually keep that Liberty. (*e*)

(*a*) *Cic. pro Archia.* (*b*) *Plut. in Sylla. Epit. Liv.* 77. (*c*) *Epit. Liv.* 68. (*d*) *Cic. pro Domo ſuâ.* (*e*) *Cic. pro Balbo.*

CHAP. XXIV.

Laws concerning Meetings and Aſſemblies.

ÆLIA *Lex*, ordaining, That in all Aſſemblies of the People, the *Augurs* ſhou'd make Obſervations from the Heavens; and, That the Magiſtrate ſhou'd have the Power of declaring againſt the Proceedings; and of interpoſing in the deciſion of any Matter.

Fuſia Lex, ordaining, That upon ſome certain Days, though they were *Faſti*, it ſhou'd be unlawful to tranſact any thing in a Meeting of the People.

The Authors of theſe Two Laws are unknown; but *P. Manutius* conjectures, that the firſt is owing to *Q. Ælius Pætus*, Conſul with *M. Junius Pennus*, *A.* 586. The other to *P. Furius*, or *Fuſius*, Conſul with *S. Attilius Serranus*, *A.* 617. The Laws themſelves occurr frequently in Writers.

Clodia Lex, the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695. containing an abrogation of the greateſt part of the Two for-

former Laws, and ordering, That no Obſervations ſhou'd be made from the Heavens upon the Days of the *Comitia*; and, That on any of the *Dies Faſti*, Laws might be enacted in a Publick Aſſembly. (*a*)

Curia Lex. the Author *M. Curius Dentatus*, *Tribune* of the Commons, *A.* 454. ordaining, That no *Comitia* ſhou'd be conven'd for the Election of Magiſtrates, without the Approbation of the Senate: *Ut ante Comitia Magiſtratuum Patres auctores fierent.* (*b*)

Claudia Lex, the Author M. *Claudius Marcellus*, Conſul with *Serv. Sulpitius Rufus*, *A.* 702. ordering, That at the *Comitia* for the Election of Magiſtrates, no account ſhou'd be taken of the abſent. (*c*)

Gabinia Lex, the Author *A. Gabinius*, *Tribune* of the Commons, *A.* 614. commanding, That in the *Comitia* for the Election of Magiſtrates, the People ſhou'd not give their Suffrages *vivâ voce*, but by Tablets, for the greater freedom and impartiality of the Proceedings. (*d*)

Caſſia Lex, enacted about two Years after, commanding, That in the Courts of Juſtice, and in the *Comitia Tributa*, the Votes ſhou'd be given in a free manner; that is, by Tablets. (*e*)

Papiria Lex, the Author *C. Papirius Carbo*, *Tribune* of the Commons, *A.* 621. ordaining, That in the *Comitia* about the paſſing or rejecting of Laws, the Suffrages ſhou'd be given by Tablets. (*f*)

Cœlia Lex, the Author *Cœlius*, *Tribune* of the Commons, *A.* 635. ordaining, That in the Judicial Proceedings before the People, in Caſes of Treaſon (which has been excepted by the *Caſſian* Law) the Votes ſhou'd be given by Tablets. (*g*)

Sempronia Lex, the Author *C. Sempronius Gracchus*, in the ſame Year as the former; ordering, That the *Centuries* ſhou'd be choſe out by Lot to give their Votes, and not according to the order of the *Claſſes*. (*h*)

Maria Lex, the Author *C. Marius*, *Tribune* of the Commons, *A.* 634. ordering the Bridges, or long Planks, on which the People ſtood in the *Comitia* to give their Voices, to be made narrower, that no other Perſons might ſtand there, to hinder the Proceedings by Appeals or other Diſturbances. (*i*)

(*a*) *Aſcon. in Piſonianam.* (*b*) *Cic. de claris Oratoribus.* (*c*) *Suet. in Julio.* (*d*) *Cic. de Amicit. & pro Plancio, & de Leg. lib.* 3. (*e*) *Cic. in Lelio.* (*f*) *Cic. de Leg. lib.* 3. (*g*) *Id. Ibid.* (*h*) *Salluſt. in Orat.* 2. *ad Cæſarem.* (*i*) *Cic. de Leg. lib.* 3. *Plut. in Mario.*

Sem-

Sempronia Lex, the Author *C. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 565. ordaining, That the *Latin* Confederates ſhou'd have the Privilege of giving their Suffrages, as well as the *Roman* Citizens. (*a*)

Manilia Lex, the Author *C. Manilius*, *Tribune* of the Commons, *A.* 687. ordering, That the *Libertini* ſhou'd have the Privilege of Voting in all the Tribes. (*b*)

Gabinia Lex, a confirmation of an old Law of the Twelve Tablets, making it a capital Offence for any Perſon to convene a clandeſtine Aſſembly. (*c*)

(*a*) *Cic. ſæpiſſime.* (*b*) *Cic. pro Leg. Manilia.* (*c*) *Salluſt. in Catilinar.*

CHAP. XXV.

Laws relating to the Senate.

CASSIA Lex, the Author *L. Caſſius Longinus*, *Tribune* of the Commons, *A.* 649. ordaining, That no Perſon, who had been condemn'd or depriv'd of his Office by the People, ſhou'd have the Privilege of coming into the Senate. (*a*)

Claudia Lex, the Author *Q. Claudius*, *Tribune* of the Commons, *A.* 535. commanding, That no *Senator*, or Father of a *Senator*, ſhou'd poſſeſs a ſailing Veſſel of above Three hundred *Amphoræ*; this was thought big enough for the bringing over Fruits, and other Neceſſaries; and as for Gain, procur'd by Trading in Merchandiſe, they thought it unworthy the Dignity of that Order. (*b*)

Sulpitia Lex, the Author *Servius Sulpitius*, *Tribune* of the Commons, *A.* 665. requiring, That no *Senator* ſhou'd owe above Two thouſand *Drachmæ*. (*c*)

Sentia Lex, the Author (probably) *C. Sentius*, Conſul with *Q. Lucretius*, *A.* 734. in the time of *Auguſtus*; ordering, That in the room of ſuch Noble men as were wanting in the *Senate*, others ſhou'd be ſubſtituted. (*d*)

Gabinia Lex, the Author *A. Gabinius*, *Tribune* of the Commons, *A.* 685. ordaining, That the *Senate* ſhou'd be conven'd,

(*a*) *Aſcon. in Cornelian.* (*b*) *Cic. Verrin.* 7, (*c*) *Plut. in Sylla.* (*d*) *Tacit. An.* 2.

from

from the Kalends of *February*, to the Kalends of *March*, every day, for the giving Audience to foreign Miniſters. *(a)*

Pupia Lex, ordaining, That the *Senate* ſhou'd not be conven'd from the Eighteenth of the Kalends of *February*, to the Kalends of the ſame Month; and that before the Embaſſies were either accepted or rejected, the Senate ſhou'd be held on no other account. *(b)*

Tullia Lex, the Author *M. Tullius Cicero*, Conſul with *M. Antony*. *A.* 690. ordaining, That ſuch Perſons to whom the *Senate* had allow'd the Favour of a *libera Legatio*, ſhou'd hold that Honour no longer than a Year. *Libera Legatio* was a Privilege that the Senators often obtain'd for the going into any Province, or Country, where they had ſome private Buſineſs, in the Quality of Lieutenants; though with no Command, but only that the Dignity of their titular Office might have an influence on the Management of their private Concerns. *(c)*

(a) *Cic. Epiſt. ad Quin. Fratr. lib.* 2. *Ep.* 12. *(b)* *Cic. lib.* 1. *epiſt.* 4. *ad Lentul. lib.* 2. *ep.* 2. *ad Quin. Fratr.* &c. *(c)* *Cic. de Leg. lib.* 3.

CHAP. XXVI.

Laws relating to the Magiſtrates.

LEX *Villia Annalis*, or *Annaria*. the Author *L. Villius* (for whom we ſometimes find *L. Julius*, or *Lucius Tullius*) *Tribune* of the Commons, *A.* 574. defining the proper Age requiſite for bearing of all the Magiſtracies. *(a)* *Livy*, who relates the making of this Law, does not inſiſt on the particular Ages; and Learned Men are much divided about that point. *Lipſius* ſtates the difference after this manner: The Age proper to ſue for the *Quæſtorſhip*, he makes Tewnty five Years; for the *Ædiles* and *Tribunes*, Twenty ſeven, or Twenty eight; Thirty for the *Prætor*, and Forty two for the *Conſuls*.

Genutia Lex, the Author *L. Genutius*, *Tribune* of the Commons, *A.* 411. commanding, That no Perſon ſhou'd bear the ſame Magiſtracy within Ten Years diſtance, nor ſhou'd be inveſted with Two Offices in on Year. *(b)*

Cornelia Lex, the Author *Cornelius Sylla* the *Dictator*, *A.* 673, a repetition and confirmation of the former Law. *(c)*

(a) *Liv. lib.* 40. *(b)* *Idem, lib.* 7. *(c)* *Appian. lib.* 1. *de Bell. Civil.*

Sem.

Sempronia Lex, the Author *C. Sempronius Gracchus*, *Tribune* of the Commons. *A.* 630 ordaining, That no Perſon, who had been lawfully depriv'd of his Magiſtracy, ſhou'd be capable of bearing an Office again. This was abrogated afterwards by the Author. (*a*)

Cornelia Lex, the Author *L Cornelius Sylla*, Dictator; ordaining, That ſuch Perſons as had embrac'd his Party in the late Troubles, ſhou'd have the Privilege of bearing Honours before they were capable by Age; and that the Children of thoſe, who had been *proſcrib'd*, ſhou'd loſe the Power of ſtanding for any Office. (*b*)

Hirtia Lex, the Author *A. Hirtius*; ordaining, That none of *Pompey*'s Party ſhou'd be admitted to any Dignity. (*c*)

Sextia Licinia Lex, the Author *C. Licinius*, and *L. Sextius*, *Tribunes* of the Commons, *A* 386. ordaining, That one of the *Conſuls* ſhou'd be choſe out of the Body of the Commons. (*d*)

Genutia Lex, the Author *L. Genutius*, *Tribune* of the Commons *A.* 411. making it lawful that both *Conſuls* might be taken out of the Commons. (***)

Cornelia Lex, the Author *L. Cornelius Sylla*, Dictator, *A.* 673. ordaining, That the *Prætors* ſhou'd always uſe the ſame method in judicial Proceſſes. For the *Prætors* us'd, upon the entrance on their Office, to put up an Edict to ſhew what way they deſign'd to proceed in all Cauſes during their Year: Theſe Edicts, which before commonly varied, were by this Law order'd to be always the ſame, for the preſerving a conſtant and regular courſe of Juſtice (*e*)

Marcia Lex, the Author *Marcius Cenſorinus*, forbidding any Perſon to bear the *Cenſorſhip* twice. (*f*)

Clodia Lex the Author *P. Clodius*, *Tribune* of the Commons *A.* 695. ordering, That the *Cenſors* ſhou'd put no mark of Infamy on any Perſon in their general Surveys, unleſs the Perſon had been accus'd and condemn'd by both the *Cenſors*; whereas before, they us'd to puniſh Perſons, by omitting their Names in the Surveys. and by other means, whether they were accus'd or no: And what one *Cenſor* did, unleſs the other actually interpos'd, was of equal force, as if both had join'd in the Action. (*g*)

Cæcilia Lex, the Author *Q. Cæcilius Metellus Pius Scipio*, Conſul with *Pompey the Great*, *A* 701. reſtoring their ancient Dignity

(*a*) *Plut. in Gracchis.* (*b*) *Plin. lib.* 7. *Quintil. lib.* 11. *cap.* 1. *Cic. in Piſon.* (*c*) *Cic. Philipp.* 13. (*d*) *Liv. lib.* 6. (***) *Idem lib.* 7. (*e*) *Cic. Philipp.* 2. (*f*) *Plut. in Coriolan.* (*g*) *Cic. in Piſon. pro Milon. pro Sextio*, &c.

and

and Power to the *Cenſors* which had been retrench'd by the former Law. (*a*)

Antonia Lex, the Author *M. Antony*, a Member of the Triumvirate; ordaining, That for the future, no Propoſal ſhou'd be ever made for the creation of a *Dictator*; and that no Perſon ſhou'd ever accept of that Office, upon pain of incurring a capital Penalty. (*b*)

Titia Lex, the Author *P. Titius Tribune* of the Commons, *A.* 710. ordaining, That a Triumvirate of Magiſtrates, inveſted with Conſular Power, ſhou'd be ſettled for Five Years, for the regulating the Common-wealth; and that the Honour ſhou'd be conferred on *Octavius*, *Lepidus*, and *Antony*. (*c*)

Valeria Lex, the Author *P. Valerius Poplicola*, ſole Conſul, *A.* 243. ordaining, That the Publick Treaſure ſhou'd be laid up in the Temple of *Saturn*, and that two *Quæſtors* ſhou'd be created to ſuperviſe it. (*d*)

Junia Sacrata Lex, the Author *L. Junius Brutus*, the firſt *Tribune* of the Commons, *A.* 260. ordaining, That the Perſons of the *Tribunes* ſhou'd be ſacred: That an Appeal might be made to them for the Determinations of the *Conſuls*: And, That none of the *Senators* ſhou'd be capable of that Office. (*e*)

Atinia Lex, the Author *Atinius*, *Tribune* of the Commons; ordaining, That any *Tribune* of the Commons ſhou'd have the Privilege of a *Senator*; and as ſuch, take his Place in the Houſe. (*f*)

Cornelia Lex, the Author *L. Cornel. Sylla.* Dictator, *A.* 673. taking away from the *Tribune* the Power of making Laws, and of interpoſing, of holding Aſſemblies and receiving Appeals, and making all that had born that Office, incapable of any other Dignity in the Common-wealth. (*g*)

Aurelia Lex, the Author *C. Aurelius Cotta*, Conſul with *L. Octavius*, *A.* 678. an abrogation of ſome part of the former Law, allowing the *Tribunes* to hold their other Offices afterwards (*h*)

Pompeia Lex, the Author *Pompey the Great*, Conſul with *M. Craſſus*, *A.* 683. reſtoring their full Power and Authority to the *Tribunes*, which had been taken from them by the *Cornelian* Law. (*i*)

(*a*) *Dio, lib.* 40. (*b*) *Appian. de Bell. Civ. lib.* 3. (*c*) *Hor. Epit. Liv. lib.* 120. (*d*) *Liv. lib.* 2. *Plut. in Poplicol.* (*e*) *Dionyſ. lib.* 6. (*f*) *A. Gell. lib.* 14. *cap. ult.* (*g*) *Cic. de Leg. lib.* 3. *Cæſar. Comm. de Bell. Gall.* 1. *Flor. Plut.* &c. (*h*) *Patercul. lib.* 2. *Aſcan. in Cornel. in ver.* (*i*) *Plut. in Pomp. Aſcon. ver.* 1. & 2. *Cæſar. de Bell. Civ. lib.* 1.

CHAP.

CHAP. XXVII.

Laws relating to Publick Conſtitutions, Laws, and Privileges.

HORTENSIA *Lex*, the Author Q. *Hortenſius*, Dictator, *A.* 467. ordaining, That whatever was enacted by the Commons, ſhou'd be obſerv'd by the whole *Roman* People; whereas the Nobility had been formerly exempted from paying Obedience to the Decrees of the Populacy. (*a*)

Cæcilia Didia Lex, the Authors Q. *Cæcilius Metellus*, and T. *Didius*, Conſuls, *A.* 655. for the regulating the Proceedings in enacting Laws; ordaining, That in one Bill (*unâ rogatione*) but one ſingle Matter ſhou'd be propos'd to the People, leſt, while they gave their Suffrage in one Word, they ſhou'd be forc'd to aſſent to a whole Bill, if they lik'd the greateſt part of it, though they diſlik'd the reſt; or throw out a Bill for ſeveral Clauſes which they did not approve of, though perhaps they'd have been willing to paſs ſome part of it. Requiring alſo, That before any Law was preferr'd at the *Comitia*, it ſhou'd be expos'd to the publick View Three Market-days (*tribus nundinis*) before-hand. (*b*)

P. *Manutius* makes the *Cæcilian* and *Didian* two diſtinct Laws; the firſt part compoſing the former, and the other the latter.

Junia Licinia Lex, the Authors *D. Junius Silanus*, and *L. Licinius Muræna*, Conſuls, *A.* 991. ordaining, That ſuch as did not obſerve the former Law, relating to the promulging new Propoſals for Three *Nundinæ*, ſhou'd incurr a greater Penalty than the ſaid Law enjoin'd. (*c*)

Licinia Æbutia Lex, the Authors *Licinius* and *Æbutius*, *Tribunes* of the Commons; ordaining, That when any Law was preferr'd relating to any Charge or Power, not only the Perſon who brought in the Bill, but likewiſe his Collegues in any Office which he already enjoy'd, and all his Relations, ſhou'd be incapable of being inveſted with the ſaid Charge or Power. (*d*)

(*a*) *Flor. Epit. Liv. lib.* 11. (*b*) *A. Gell. lib.* 15. *cap.* 27. *Cic. Philip.* 5. *pro Domo. ad Attic. Epiſt.* 9. *lib.* 2. (*c*) *Cic. Philip.* 5. *Alt. ad Epiſt.* 9. *lib.* 2 *Epiſt.* 15. *lib.* 4. (*d*) *Cic. in Orat.* 2. *Contra Rull, & in Orat pro Domo ſuâ.*

Cornelia

Cornelia Lex, the Author, *C. Cornelius, Tribune* of the Commons, *A.* 686. ordaining, That no Perſon ſhou'd, by the Votes of the Senate, be exempted from any Law (as us'd to be allow'd upon extraordinary Occaſions) unleſs Two hundred Senators were preſent in the Houſe; and that no Perſon thus excus'd by the Senate, ſhou'd hinder the Bill of his Exemption from being carried afterwards to the Commons for their Approbation. (*a*)

Ampia Labiena Lex, the Author *T. Ampius* and *T. Labienus, Tribunes* of the Commons, *A.* 693, conferring an Honourable Privilege on *Pompey the Great*, that at the *Circenſian* Games, he ſhou'd wear a golden Crown, and be habited in all the Triumphal Robes; and that at the Stage-Plays he ſhou'd have the liberty of wearing the *Prætexta*, and a golden Crown. (*b*)

(*a*) *Aſcon. in Cornel.* (*b*) *Vel. Paterc. lib.* 2.

CHAP. XXVIII.

Laws relating to the Provinces, and the Governours of them.

SEMPRONIA *Lex*, the Author *C. Sempronius Gracchus, Tribune* of the Commons, *A.* 630. ordaining, That before the annual *Comitia* for chuſing *Conſuls*, the *Senate* ſhou'd, at their Pleaſure, determine the particular Conſular Provinces, which the new *Conſuls*, when deſign'd, ſhou'd divide by Lot. As alſo, That whereas heretofore the *Tribunes* had been allow'd the Privilege of interpoſing againſt a Decree of *Senate*, they ſhou'd be depriv'd of that Liberty for the future. (*a*)

Cornelia, Lex, the Author *L. Cornelius Sylla*, Dictator *A.* 673. ordaining, That whoever was ſent with any Command into a Province, ſhou'd hold that Command, 'till he return'd to *Rome*; whereas heretofore, their Office was to continue no longer than a ſet time; upon the expiration of which, if no Succeſſor was ſent in their room, they were put to the trouble and inconvenience of getting a new Commiſſion from the *Senate*.

(*a*) *Cic. pro Domo ſuâ, in Vatin. de Provinciis Conſul. Salluſt. in Bell. Jugurth.*

'Twas a Clauſe in this Law, That every Governour of a Province, when another was ſent to ſucceed him, ſhould have thirty Days allow'd him in order to his removal. (*a*)

Julia Lex prima, the Author C. *Julius Cæſar*, *Conſul* with *M. Calpurnius Bibulus*, *A.* 691. compris'd in ſeveral Heads, as that *Achaia*, *Theſſaly*, and all *Greece*, ſhould be entirely free; and that the *Roman* Magiſtrate ſhould ſit as Judg in thoſe Provinces: (*b*) That the Towns and Villages through which the *Roman* Magiſtrates paſs'd towards the Provinces, ſhould be oblig'd to ſupply them and their Retinue with Hay and other Conveniences on the Road: (*c*) That the Governours, when their Office was expir'd, ſhould leave a Scheme of their Accompts in two Cities of their Provinces, and at their arrival at *Rome*, ſhould deliver a Copy of the ſaid Accompts in, at the publick Treaſury: (*d*) That the Governours of Provinces ſhould upon no account accept of a Golden Coronet, unleſs a Triumph had been decreed them by the Senate: (*e*) That no chief Commander ſhould go beyond the Bounds of his Province, or enter on any other Dominions, or lead the Army out, or engage in any War, without the expreſs Order of the *Senate* or People. (*f*)

Julia Lex Secunda, the Author the ſame *Julius Cæſar* in his Dictatorſhip, ordaining, that no *Prætorian* Province ſhould be held above a Year, and no *Conſular* Province more than two Years. (*g*)

Clodia Lex, the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695. ordaining, that all *Syria*, *Babylon*, and *Perſia*, ſhould be committed to *Gabinius* the *Conſul*; and *Macedon*, *Achaia*, *Theſſaly*, *Greece*, and *Bœotia*, to his Collegue *Piſo*, with the Proconſular Power; and that a Sum ſhould be paid them out of the Treaſury to defray the Charges of their March thither with an Army. (*h*)

Vatinia Lex, the Author *P. Vatinius*, *Tribune* of the Commons, *A.* 694. ordaining, That the Command of all *Gallia Ciſalpina*, and *Illyricum* ſhould be conferr'd on *Cæſar* for five Years together, without a Decree of *Senate*, and without the Formality of caſting Lots: That the particular Perſons mention'd in the Bill, ſhould go with him in the Quality of *Legati*, without the Deputation of the *Senate*: That the Army to be ſent with him, ſhould be paid out of the Treaſury; and that he ſhould tranſplant a Colony into the Town of *Novocomum* in *Gallia*. (*i*)

(*a*) *Cicero*, *Epiſt.* 9. *ad Lentul.* & *lib.* 3. *ad Attic. Epiſt.* 6. (*b*) *Cicero pro Domo*, *in Piſonem*, & *de Provinc. Conſul.* (*c*) *Cicero in Piſonem.* (*d*) *Ibid.* (*e*) *Ibid.* (*f*) *Ibid* & *pro Poſthum.* (*g*) *Cicero*, *Philip.* 3. (*h*) *Cicero pro Domo*, & *pro Sextio.* (*i*) *Cicero in Vatinium* & *pro Balbo. Sueton. in Julio. Salluſt. in Jugurth.*

Clodia

Clodia Lex de Cypro, the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695. ordaining that the Iſland *Cyprus* ſhou'd be reduc'd into a *Roman* Province: That *Ptolemy* King of *Cyprus* ſhould be publickly expos'd to Sale, habited in all his Regal Ornaments, and his Goods in like manner ſold by Auction: That *M. Cato* ſhould be ſent with the *Prætorian* Power into *Cyprus* to take care of the ſelling the King's Effects, and conveying the Money to *Rome*. (*a*)

Trebonia Lex, the Author *L. Trebonius*, *Tribune* of the Commons, *A*, 698. decreeing the chief Command in *Gallia* to *Cæſar*, five Years longer, than had been order'd by the *Vatinian* Law; and ſo depriving the *Senate* of the Power of recalling him, and ſubſtituting another General in his room. (*b*)

Titia Lex, barely mention'd by *Cicero*, (*c*) and not explained by *Manutius* or *Roſinus*. The Purport of it ſeems to have been, That the Provincial *Quæſtors* ſhould take their Places by Lot, in the ſame manner as the *Conſuls* and *Prætors*; as may be gather'd from the Scope of the Paſſage in which we find it.

(*a*) *Cicero pro Domo, pro Sextio, de Provin. Conſular.* (*b*) *Cicero lib.* 1, 9, 10. *Epiſt. ad Attic. Florus, Epit. Liv. lib.* 105. (*c*) *In Orat. pro Murenâ.*

CHAP. XXIX.

Leges Agrariæ, *or Laws relating to the Diviſion of Lands among the People.*

CASSIA *Lex*, the Author *Sp. Caſſius Viſcellinus*, Conſul with *Proculus Virginius*, *A.* 267. ordaining, that the Land taken from the *Hernici*, ſhould be divided half among the *Latines*, and half among the *Roman* Commons. (*a*) This Law did not hold.

Licinia Lex, the Author *C. Licinius Stolo*, *Tribune* of the Commons, *A.* 377. ordaining, that no Perſon ſhould poſſeſs above five hundred Acres of Land; or keep more than an hundred Head of great, or five hundred Head of ſmall Cattel. (*b*)

(*a*) *Liv. lib.* 2. *Valer. Max. lib.* 5. *cap.* 8. (*b*) *Liv. lib.* 6. *Appian, Agellius, Pliny, Patercul. Plutarch.* &c.

Flaminia Lex, the Author *C. Flaminius*, *Tribune* of the Commons, *A.* 525. ordaining, that *Picenum* a part of *Gallia*, whence the *Senones* had been expell'd, ſhould be divided among the *Roman* Soldiers. (*a*)

Sempronia Lex Prima, the Author *T. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 620. confirming the *Licinian* Law, and requiring all Perſons, who held more Land than that Law allow'd, immediately to reſign it into the Common, to be divided among the poorer Citizens, conſtituting three Officers to take care of the buſineſs. (*b*)

This Law being levell'd directly againſt the Intereſt of the richer Men of the City, who had by degrees contriv'd to engroſs almoſt all the Land to themſelves, after great Heats and Tumults, at laſt coſt the Author his Life.

Sempronia Lex altera, preferr'd by the ſame Perſon, upon the death of King *Attalus*, who left the *Roman* State his Heir: It ordain'd, that all the ready Money found in that King's Treaſure ſhould be beſtow'd on the poorer Citizens, to ſupply them with Inſtruments and other Conveniences requir'd for Agriculture: And that the King's Lands ſhould be farm'd at an annual Rent by the *Cenſors*; which Rent ſhould be divided among the People. (*c*)

Thoria Lex, the Author *Sp. Thorius*, *Tribune* of the Commons ordaining, that no Perſon ſhould pay any Rent to the People of the Lands which he poſſeſs'd; and regulating the buſineſs about feeding Cattel. (*d*) Two large Fragments of this Law, which was of a great length, are copied from two old brazen Tables by *Sigonius*. (*e*)

Cornelia Lex, the Author *L. Cornelius Sylla Dictator* and *Conſul* with *Q. Metellus*, *A.* 673. ordaining, that the Lands of proſcrib'd Perſons ſhould be common. This is chiefly to be underſtood of the Lands in *Tuſcany* about *Volaterræ* and *Feſulæ*, which *Sylla* divided among his Soldiers. (*f*)

Servilia Lex, the Author *P. Servilius Rullus*, *Tribune* of the Commons, *A.* 690. in the Conſulſhip of *Cicero* and *Antony*, containing many Particulars, about ſelling ſeveral Houſes, Fields, &c. that belong'd to the Publick, for the purchaſing Land in other parts of *Italy*; about creating ten Men to be Superviſors of the Buſineſs, and abundance of other Heads; ſeveral of which

(*a*) *Cicero in Cat. Maj.* (*b*) *Cicero pro Sextio*, *Plutarch.* &c. (*c*) *Cicero Verr.* 5. *Plutarch.* &c. (*d*) *Cicero de Orat. lib.* 2. *& in Bruto.* (*e*) *De Antiq. Jure Ital. lib.* 2. (*f*) *Cicero in Rullam, pro Roſcio, Salluſt. in Catilin.*

are

are repeated by *Cicero* in his three Orations extant againſt this Law, by which he hindred it from paſſing.

Flavia Lex, the Author *L. Flavius*, *Tribune* of the Commons, *A*, 693. about dividing a ſufficient quantity of Land among *Pompey*'s Soldiers and the Commons. (*a*)

Julia Lex, the Author *Julius Cæſar*, Conſul with *Bibulus*, *A.* 691. ordaining, that all the Land in *Campania*, which us'd formerly to be farm'd at a ſet Rent of the State, ſhould be divided among the Commons: As alſo, that all Members of *Senate* ſhould ſwear to confirm this Law, and to defend it againſt all Oppoſers. *Cicero* calls this *Lex Campana*. (*b*)

Mamilia Lex, the Author *C. Mamilius*, *Tribune* of the Commons, in the time of the *Jugurthan* War; ordaining, that in the Bounds of the Lands, there ſhould be left five or ſix Foot of Ground, which no Perſon ſhould convert to his private uſe, and that Commiſſioners ſhould be appointed to regulate this Affair (*c*). From this Law *de Limitibus*, the Author took the Surname of *Limentanus*, as he is call'd by *Salluſt*. (*d*)

(*a*) *Cicero ad Attic. lib.* 1. (*b*) *Velleius Paterc. lib.* 2. *Plu. in Pomp. Cæſ. & Cat. Uticenſ. Ad Attic. lib* 2. *Epiſt.* 18. (*c*) *Cicero, lib* 1. *de Leg.* (*d*) *In Bell. Jugurth.*

CHAP. XXX.

Laws relating to Corn.

SEMPRONIA *Lex*, the Author *C. Sempronius Gracchus* (not *T. Sempronius Gracchus*, as *Roſinus* has it) ordaining, that a certain quantity of Corn ſhould be diſtributed every Month among the Commons, ſo much to every Man; for which they were only to pay the ſmall conſideration of a *Semiſſis* and a *Triens*. (*a*)

Terentia Caſſia Lex, the Authors *M. Terentius Varro Lucullus*, and *C. Caſſius*, Conſuls, *A.* 680. ordaining, that the ſame ſet price ſhould be given for all Corn bought up in the Province, to hinder the Exactions of the *Queſtors*. (*b*)

Clodia Lex, the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695. ordaining, that thoſe quantities of Corn, which were for-

(*a*) *Flor. Epit. Liv. lib.* 60. *Vell. Pat. lib.* 2, &c. (*b*) *Cicero in Verrin.* 5.

merly ſold to the poor People at ſix *Aſſes* and a *Triens* the Buſhel, ſhould be diſtributed among them *gratis*. (*a*)

Hieronica Lex, the Author *Hiero* Tyrant of *Sicily*, regulating the Affair between the Farmers and the *Decumani* (or Gatherers of the Corn-Tax, which becauſe it conſiſted of a tenth part they call'd *Decumæ*) ordaining the quantity of Corn, the Price, and the time of receiving it; which for the Juſtice of it the, *Romans* ſtill continued in force, after they had poſſeſs'd themſelves of that Iſland. (*b*)

(*a*) *Cicero pro Sextio, in Piſon*, &c. (*b*) *Cicero in Verr.* 4.

CHAP. XXXI.

Laws for the regulating of Expences.

ORCHIA *Lex*, the Author C. *Orchius*, *Tribune* of the Commons, *A.* 566. defining the number of Gueſts, which were allow'd to be preſent at any Entertainment. (*a*)

Fannia Lex, the Author C. *Fannius* Conſul, *A.* 588. ordaining, That upon the higher Feſtivals, no Perſon ſhould expend more than an hundred *Aſſes* in a Day; on ten other Days in every Month thirty *Aſſes*, and at all other times ten. (*b*)

Didia Lex, enacted about eighteen Years after the former, ordaining, that the Laws for regulating Expences ſhould reach all the *Italians* as well as the Inhabitants of *Rome*; and that not only the Maſters of extravagant Treats, but the Gueſts too ſhould incurr a Penalty for their Offence. (*c*)

Lex Licinia, the Author *P. Licinius Craſſus the Rich*, agreeing in moſt particulars with the *Fannian* Law; and farther preſcribing, that on the *Kalends*, *Nones*, and *Nundinæ*, thirty *Aſſes* ſhould be the moſt that was ſpent at any Table; and that on ordinary Days, which were not particularly excepted, there ſhould be ſpent only three pounds of *dry* Fleſh, and one pound of Salt-Meat, but allowing as much as every Body pleas'd of any Fruits of the Ground. (*d*)

Caro arida opponitur ſalſamento. Caſaubon. ad Agell Notæ MSS.

(*a*) *Macrob. Saturn. lib.* 2. *cap.* 14. (*b*) *Ibid. & Agell. lib.* 2. *cap.* 24. (*c*) *Ibid. & Agell. lib.* 2. *cap.* 24.

Corne-

Cornelia Lex, the Author *L. Cornelius Sylla*, enacted, not ſo much for the retrenching of extravagant Treats, as for the impoſing a lower price on Proviſions. (*a*)

Æmilia Lex, the Author *M. Æmilius Lepidus*, *Conſul* about *A.* 675, reſpecting the particular ſorts of Meats in uſe at that time, and ſtating the juſt quantities allowable of every kind. (*b*)

Antia Lex, the Author one *Antius Reſtio*, a farther Eſſay toward the ſuppreſſion of Luxury, the particulars of which, we are not acquainted with. But *Macrobius* gives us this remarkable Story of the Author, that finding his Conſtitution to be of very little force, by reaſon of the great head that Prodigality and Extravagance had gain'd in the City, he never afterwards ſupp'd abroad as long as he liv'd, for fear he ſhould be forc'd to be a Witneſs of the Contempt of his own Injunction, without being in a condition to puniſh it. (*c*)

Julia Lex, preferr'd in the time of *Auguſtus*, allowing two hundred *Seſtertii* for Proviſions on the *dies Profeſti*, three hundred on the common Feſtivals in the Kalendar, and a thouſand at Marriage-Feaſts, and ſuch extraordinary Entertainments. (*d*)

Agellius farther adds, that he finds in an old Author an Edict either of *Auguſtus* or *Tiberius*, he is uncertain which, raiſing the allowance according to the difference of the Feſtivals, from three hundred to two thouſand *Seſtertii*. (*e*)

Hither may be referr'd the *Lex Oppia*, the Author *C. Oppius*, *Tribune* of the Commons, *A.* 540. in the heat of the ſecond *Punick* War, ordaining, that no Woman ſhould have above half an Ounce of Gold, wear a party-colour'd Garment, or be carried in a Chariot in any City, Town, or to any place within a Mile's diſtance, unleſs upon the account of celebrating ſome ſacred Solemnity. (*f*)

(*a*) *Agell. lib.* 2. *cap.* 24. (*b*) *Ibid.* (*c*) *Macrob. & Agell.* (*d*) *Agell.* (*e*) *Ibid.* (*f*) *Liv. lib.* 34. *Tac. Ann.* 3.

CHAP. XXXII.

Laws relating to Martial Affairs.

SACRATA Lex Militaris, the Author (probably) *M. Valerius Corvus*, Dictator *A.* 411. ordaining, that no Soldier's Name, which had been entred in the Muſter-Roll ſhould be ſtruck out, unleſs by the Party's conſent: And that no Perſon, who had been Military *Tribune*, ſhould execute the Office of *Ductor Ordinum.* (*a*)

Sempronia Lex, the Author *C. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 630. ordaining, that the Soldiers ſhould receive their Cloths *gratis* at the publick Charge, without any diminution of their ordinary Pay: And that none ſhould be oblig'd to ſerve in the Army, who was not full ſeventeen Years old. (*b*)

Maria Porcia Lex, the Authors *L. Marius* and *Porcius Cato*, *Tribunes* of the Commons, *A.* 691 ordaining, that a Penalty ſhould be inflicted on ſuch Commanders as wrote falſely to the Senate, about the number of the ſlain on the Enemies ſide, and of their own Party: And that they ſhould be oblig'd when they firſt entred the City to take a ſolemn Oath before the *Quæſtors*, that the number which they return'd was true, according to the beſt Computation. (*c*)

Sulpicia Lex, the Author *P. Sulpicius*, *Tribune* of the Commons, *A.* 665. ordaining, that the chief Command in the *Mithridatick* War, which was then enjoy'd by *L. Sylla*, ſhould be taken from him and conferr'd on *C. Marius.* (*d*)

Gabinia Lex, the Author *A. Gabinius*, *Tribune* of the Commons, *A.* 685. ordaining, that a Commiſſion ſhould be granted to *Cn. Pompey* for the management of the War againſt the Pirates for three Years, with this particular Clauſe, That upon all the Sea on this ſide *Hercules* his *Pillars*, and in the Maritime Provinces as far as 400 *Stadia* from the Sea, he ſhould be empower'd to command Kings, Governours, and States to ſupply him with all Neceſſaries in the Expedition (*e*)

(*a*) *Liv. lib.* (*b*) *Plutarch. in C. Gracch.* (*c*) *Valer. Max. lib.* 2. *cap.* 8. (*d*) *Vell. Paterc. lib.* 2. *Flor. Epit.* 77. *Plutarch. in Syllâ & Mario*, &c. (*e*) *Aſconius in Cornelian. Vell. Paterc. lib.* 2. *Plutarch. in Pomp. Cicero de Lege Manilia. & poſt Reditum in Senat.*

Manilia

Manilia Lex, the Author *C. Manilius*, *Tribune* of thr Commons, *A.* 687. ordaining, that all the Forces of *Lucullus*, and the Provinces under his Government ſhould be given to *Pompey*; together with *Bithynia*, which was under the command of *Glabrio*: And that he ſhould forthwith make War upon *Mithridates*, retaining ſtill the ſame Naval Forces, and the Sovereignty of the Seas, as before. *(a)*

(a) Cicero de Lege Manilia. Plutarch. in Pomp. Flor. Epitom. 100.

CHAP. XXXIII.

De Tutelis, *or Laws concerning Wardſhips.*

ATILIA *Lex*, the Author and time unknown, preſcribing, that the *Prætor*, and the major part of the *Tribunes*, ſhould appoint Guardians to all ſuch Minors, to whom none had been otherwiſe aſſign'd. *(a)*

The Emperour *Claudius* ſeems to have abrogated this Law, when, as *Suetonius* informs us, he order'd, that the aſſignment of Guardians ſhould be in the power of the *Conſuls*. *(b)*

Lætoria Lex, ordaining, that ſuch Perſons as were diſtracted, or prodigally ſquander'd away their Eſtates, ſhould be committed to the care of ſome proper Perſons for the ſecurity of themſelves and their Poſſeſſions: And that whoever was convicted of defrauding any in thoſe Circumſtances, ſhould be guilty of a high Miſdemeanour. *(c)*

(a) Liv. lib. 39. *(b) Sueton. in Claud. cap.* 23. *(c) Cicero de Offic. lib.* 3. *de Nat Deor. lib.* 3.

CHAP.

CHAP. XXXIV.

Laws concerning Wills, Heirs, and Legacies.

FURIA *Lex*, the Author *C. Furius*, *Tribune* of the Commons, ordaining, that no Perſon ſhould give, by way of Legacy, above a thouſand *Aſſes*, unleſs to the Relations of the Maſter who manumiz'd him, and to ſome other Parties there excepted. *(a)*

Voconia Lex, the Author *Q. Voconius Saxa*, *Tribune* of the Commons, *A.* 584, ordaining, that no Woman ſhould be left Heireſs to an Eſtate; and that no *Cenſus* ſhould, by his Will, give above a fourth part of what he was worth to a Woman. This ſeems to have been enacted to prevent the decay and extinction of Noble Families. *(b)*

By the Word *Cenſus* is meant any rich Perſon, who was rated high in the *Cenſor*'s Books.

(a) Cicero pro Balbo. (b) Cicero in Verr. 3. de Senect. de Finib.

CHAP. XXXV.

Laws concerning Money, Uſury, &c.

SEMPRONIA *Lex*, the Author *M. Sempronius Tribune* of the Commons, *A.* 560. ordaining, that in lending Money to the Allies of *Rome* and the *Latines*, the Tenour of the *Roman* Laws ſhould be ſtill obſerv'd, as well as among the Citizens. *(a)*

Valeria Lex, the Author *Valerius Flaccus*, *Conſul* with *L. Cornelius Cinna*, ordaining, to oblige the poorer part of the City, that all Creditors ſhould diſcharge their Debtors upon the reſeipt of a fourth part for the whole Summ. This Law, as moſt unceaſonable, is cenſur'd by *Paterculus* (*b*).

(a) Liv. lib. 35. Cicero de Offic. 2. (b) Lib. 2. cap. 23.

Gabi-

Gabinia Lex, the Author *Aul. Gabinius*, *Tribune* of the Commons; *A.* 685. ordaining, that no Action ſhould be granted for the recovery of any Money taken up, *verſurâ factâ*, *i. e.* firſt borrow'd upon a ſmall Uſe, and then lent out again upon a greater; which Practice was highly unreaſonable. (*a*)

Claudia Lex, the Author *Claudius Cæſar*, commanding, that no Uſurer ſhould lend Money to any Perſon in his Nonage to be paid after the death of his Parents. (*b*)

Veſpaſian added a great ſtrength to this Law, when he ordain'd That thoſe Uſurers, who lent Money to any *filius familiæ*, or Son under his Father's Tuition, ſhould have no right ever to claim it again, not even after the death of his Parents. (*c*)

(*a*) *Cicero ad Attic. lib. 5. Epiſt. ult. lib. 6. Epiſt. 2.* (*b*) *Tacit. Annal.* 11. (*c*) *Sueton in Veſpaſ. cap.* 11.

CHAP. XXXVI.

Laws concerning the Judges.

SEMPRONIA *Lex*, the Author *C. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 630. ordaining, that the Right of Judging, which had been aſſign'd to the *Senatorian* Order by *Romulus*, ſhould be transferr'd from them to the *Equites* (*a*)

Servilia Lex, the Author *Q. Servilius Cæpio*, *Conſul* with *C. Atilius Serranus*, *A.* 647. abrogating in part the former Law, and commanding, that the Privilege there mention'd ſhould be divided between both Orders of Knights and Senators. (*b*)

Plutarch and *Florus* make *C. Sempronius Gracchus* to have appointed 300 Senators, and 600 *Equites* for the management of Judgments; but this ſeems rather to belong to the *Servilian* Law, if not totally a miſtake. (*c*) This Law was ſoon after repeal'd.

Livia Lex, the Author *M. Livius Druſus*, *Tribune* of the Commons, *A.* 662. ordaining, that the judiciary Power ſhould be ſeated in the Hands of an equal number of Senators and Knights. (*d*)

(*a*) *Aſconius in Divinat. Tacit. Ann.* 12. *Vell. Patere. l.* 2. (*b*) *Cicero de Art. Rhet. lib.* 2. *de Oratore, in Bruto, in Orat. pro Scauro.* (*c*) *Cicero de Orat.* 3. *Flor. Epit.* 71. (*d*) *Aſconius in Cornelian.*

But

But this, among other Conſtitutions of that Author, was abrogated the very ſame Year, under pretence of being made inauſpiciouſly.

Plautia Lex, the Author *M. Plautius Silvanus, Tribune* of the Commons, *A.* 664. ordaining, that every Tribe ſhould chooſe out of their own Body fifteen Perſons to ſerve as Judges every Year; by this means making the Honour common to all three Orders, according as the Votes carried it in every Tribe. (*a*)

Cornelia Lex, the Author *L. Cornelius Sylla, Dictator, A.* 673. taking away the Right of Judging entirely from the Knights, and reſtoring it fully to the Senators. (*b*)

Aurelia Lex, the Author *L. Aurelius Cotta, Prætor, A.* 653. ordaining, that the *Senatorian* and *Equeſtrian* Orders, together with the *Tribuni Ærarii*, ſhould ſhare the judicial Power between them. (*c*)

Pompeia Lex. the Author *Pompey* the Great, *Conſul* with *Craſſus, A.* 698. ordaining, that the Judges ſhould be choſen otherwiſe than formerly, out of the richeſt in every Century; yet, notwithſtanding, ſhould be confin'd to the Perſons mention'd in the *Aurelian* Law. (*d*)

Julia Lex, the Author *Julius Cæſar*, confirming the foreſaid Privilege to the Senators and Knights, but excluding the *Tribuni Ærarii*. (*e*)

Roſinus ſets this Law before that of *Pompey*; but 'tis very plain, 'twas not made 'till afterwards.

Antonia Lex, the Author *M. Antony, Conſul* with *Julius Cæſar, A.* 709. ordaining, that a third *Decury* of Judges ſhould be added to the two former, to be choſe out of the Centurions. (*f*)

(*a*) *Cicero pro Cornel. & ad Att.* 4. (*b*) *Flor. Epitom.* 89. *Aſcon. in Divinat.* (*c*) *Cicero in Verrinis. Vell. lib.* 2. (*d*) *Cicero in Piſonem.* (*e*) *Suet. in Julio, cap.* 41. (*f*) *Cicero in Philip.* 1. & 5.

CHAP.

CHAP. XXXVII.

Laws relating to Judgments.

POMPEIA *Lex*, the Author *Pompey* the Great, ſole *Conſul*, *A*, 701. forbidding the uſe of the *Laudatores* in Tryals (*a*).

Memmia Lex, ordaining, that no Perſon's Name ſhould be receiv'd into the Roll of Criminals, who was abſent upon the Publick Account (*b*).

Remmia Lex, ordaining, that Perſons convicted of Calumny ſhould be ſtigmatiz'd (*c*).

Both theſe Laws ſometimes go under the Name of *Memmiæ*, and ſometimes of *Remmiæ*; the diſtinction here obſerv'd is owing to *P. Manutius*.

Cincia Lex, the Author *M. Cincius*, *Tribune* of the Commons, *A.* 549. forbidding any Perſon to accept of a Gift upon account of judging a Cauſe. This is commonly call'd *Lex Muneralis*. (*d*)

(*a*) *Plutarch. in Pomp. & in Catone Uticenſ. Valer. Max. lib.* 6. *cap.* 2. (*b*) *Cicero in Vatin. Val. Max. lib.* 3. *cap.* 7. (*c*) *Cicero pro Sext. Roſcio.* (*d*) *Liv. lib.* 34. *Tacit. Ann.* 14. *Cicero ad Attic. lib.* 1. *de Oratore* 2. *de Senect.*

CHAP. XXXVIII.

Laws relating to Crimes.

THE Crimes or Actions that tended to the prejudice of the State, have been already reckon'd up, and briefly explain'd. The Laws on this Subject are very numerous, and, by reaſon of their great uſefulneſs, have been preſerv'd at large in the Labours of the Civilians, with the particular Heads of which they conſiſted. It will be ſufficient to the preſent deſign, to mention

tion ſuch as are hinted at in the ordinary Clafficks, and to ſpeak of thoſe only in general.

De Majeſtate.

Gabinia Lex, already deſcrib'd among the Laws relating to Aſſemblies.

Appuleia Lex, the Author *L. Appuleius Tribune* of the Commons, *A.* 652. It ſeems to have been enacted for the reſtraint of publick Force and Sedition in the City. (*a*) *Sigonius* thinks, that 'twas this Law, which made the Queſtion *de Majeſtate* perpetual.

Varia Lex, the Author *L. Varius, Tribune* of the Commons, *A.* 662. ordaining, that all ſuch Perſons ſhould be brought to a publick Tryal, who had any way encourag'd or aſſiſted the Confederates in their late War againſt *Rome*. (*b*)

Cornelia Lex, the Author *L. Cornelius Sylla, Dictator A.* 670. making it Treaſon to lead an Army out of a Province, or to engage in a War without ſpecial Orders; to endeavour the ingratiating one's ſelf ſo with the Army as to make them ready to ſerve his particular Intereſt; or to ſpare, or ranſom a Commander of the Enemy when taken Priſoner; or to pardon the Captains of Robbers and Pirates; or for a *Roman* Citizen to reſide without Orders at a Foreign Court; and aſſigning the Puniſhment of *aquæ & ignis interdictio* to all that ſhould be convicted of any of theſe Crimes. (*c*)

Julia Lex, the Author *Julius Cæſar*, either in his firſt Conſulſhip, or after the *Pharſalian* Victory, ordaining the Puniſhment mention'd in *Sylla*'s Law, to be inflicted on all, that were found guilty *de Majeſtate*; whereas *Sylla* intended it only for the Particulars which he there ſpecifies. (*d*)

Antonia Lex, the Author *Mark Antony*, allowing thoſe who were condemn'd *de Majeſtate*, an Appeal to the People; which before was only allow'd in the Crime which they call'd *Perduellio*; one part of the *Crimen Majeſtatis*, of the moſt heinous nature; which the Lawyers define, *Hoſtili animo adverſus rempublicam eſſe*. This Law was repeal'd by *Auguſtus*. (*e*)

(*a*) *Cicero de Orat. lib.* 2. (*b*) *Cicero pro Scauro, pro Coml. Tuſculan.* 2. *in Bruto. Valer, Max. lib.* 8. *cap.* 6. (*c*) *Cicero in Piſon. pro Cluent.* &c. (*d*) *Cicero Philip.* 1. (*e*) *P. Manut. lib. de legibus.*

De

De Adulterio, & Pudicitiâ.

Julia Lex, the Author *Auguſtus Cæſar*, as *Suetonius* informs us (*a*). *Juvenal* mentions this Law in his Second Satyr, and ſeems to intimate, that it was afterwards confirm'd, and put in full force by the Emperour *Domitian*; the rigour of it is there very handſomly expreſs'd.

——*Leges revocabat amaras* (*b*)
Omnibus, atque ipſis Veneri Martique timendas.

Scatinia Lex, the Author *C. Scatinius Aricinus*, *Tribune* of the Commons; tho' ſome think it was called *Lex Scantinia* from one *Scantinius*, *Tribune* of the Commons; againſt whom it was put in execution. It was particularly levell'd againſt the Keepers of Caramites, and againſt ſuch as proſtituted themſelves for *Mignions* (*c*). The Penalty enjoin'd by the Author, was only pecuniary; but *Auguſtus Cæſar* made it afterwards Capital. (*d*)

Cornelia *Lex inter ſicarios, & veneficii.*

The Author *Cornelius Sylla, Dictator.* It was directed againſt ſuch as kill'd another Perſon with Weapons or Poiſon, or fir'd Houſes, or took away any Perſon's Life by falſe Accuſation; with ſeveral other Heads.

It was a Clauſe in this Law, That the Perſon who ſtood accus'd of the Crimes therein mention'd, might have his liberty of letting the Jury give their Verdict *clam vel palàm*, by Voices, or by Tablets (*e*).

De Parricidis.

The old Law which preſcrib'd the odd ſort of Puniſhment proper to this Crime, was reſtor'd, and confirm'd by *Pompey* the Great, with the Title of *Lex Pompeia* (*f*).

Cornelia *Lex falſi.*

Sylla the *Dictator*, as he appointed a proper *Prætor* to make Inquiſition into what they call'd *Crimen falſi*, ſo he enacted this

(*a*) *in Aug. cap.* 34. (*b*) *Juv. Sat.* 2. *v.* 30. (*c*) *Quintilian. lib.* 4. *c.* 2. *lib.* 7. *c.* 4. *Cicero Philipp.* 3 *Juv.* &c. (*d*) *Juſt. Inſtit. l.* 4. (*e*) *Cic. pro Cluent.* (*f*) *Juſt. Inſt. l.* 4. *& alii.*

Law

Law as the Rule and Standard in ſuch Judgments (*a*). It takes in all Forgers, Concealers, Interliners, &c. of Wills; Counterfeiters of Writs and Edicts; falſe Accuſers, and Corrupters of the Jury; together with thoſe that any ways debas'd the publick Coin, by ſhaving or filing the Gold, or adulterating the Silver, or publiſhing any new pieces of Tin, Lead, &c. and making thoſe incur the ſame Penalty (which was *aquæ & ignis interdictio*) who voluntarily conniv'd at the Offenders in theſe Particulars.

Leges de vi.

Plautia, or *Plotia Lex*, the Author *P. Plautius. Tribune* of the Commons, *A.* 675. againſt thoſe that attempted any force againſt the State or Senate; or us'd any violence to the Magiſtrates, or appear'd arm'd in publick upon any ill deſign, or forcibly expell'd any Perſon from his lawful Poſſeſſion. The puniſhment aſſign'd to the convicted was *aquæ & ignis interdictio* (*b*).

Clodia Lex, the Author *P Clodius, Tribune* of the Commons, *A.* 695. ordaining, that all thoſe ſhould be brought to their Tryal, who had executed any Citizen of *Rome*, without the Judgment of the People, and the Formality of a Tryal (*c*).

The Author being a mortal Enemy of *Cicero*'s, levell'd this Law particularly againſt him; who in the time of the *Catilinarian* Conſpiracy, for the greater ſecreſie and ſecurity, having taken ſeveral of the chiefeſt Parties concern'd, immediately ſent them to execution. *Clodius* having highly ingratiated himſelf with the People, by ſeveral popular Laws, eaſily got this Act to paſs; and ſo oblig'd *Cicero* to go into Exile.

Pompeia Lex, The Author *Pompey* the Great, in his Third Conſulſhip *A.* 701. It was directed eſpecially againſt the Authors of the late Riot, upon the account of *Clodius* and *Milo*; in which, one of the *Curiæ* had been ſet on fire, and the Palace of *Lepidus* the *Interrex*, aſſaulted by force. This Law introduc'd a much ſhorter form of Judgment than had been formerly us'd, ordaining, that the firſt Three Days in every Tryal, ſhould be ſpent in hearing and examining Witneſſes, and then allowing only one Day for the Two Parties to make their formal Accuſation and Defence; the firſt being confin'd to Two Hours, and the other

(*a*) *Cic. de Nat. deor. l.* 3. *Sueton. in Aug. c.* 33. (*b*) *Sueton. in Julio. c.* 5. *Vio. l.* 39. *Cicero pro Sextio, pro Milone.* (*c*) *Vell Paterc. l.* 2. *Cic. ad Attic. l.* 3. *Vio l.* 38.

to

to Three. Hence the Author of the Dialogue concerning famous Orators, attributed to *Quintilian*, or *Tacitus*, obſerves, That *Pompey* was the firſt that depriv'd Eloquence of its old Liberty and confin'd it to bounds and limits (*a*).

Leges de Ambitu.

Fabia Lex, preſcribing the number of *Sectatores*, allow'd to any Candidate (*b*). This did not paſs.

Acilia Calpurnia Lex. the Authors *M. Acilius Glabrio*, and *C. Calpurnius Piſo*, Conſuls, *A.* 686. ordaining, That beſides the Fine impos'd, no Perſon convicted of this Crime ſhould bear an Office, or come into the Senate (*c*).

Tullia Lex, the Author *M. Tullius Cicero*, Conſul with *C. Antonius*, *A.* 690. ordaining, That no Perſon, for Two Years before he ſu'd for an Office, ſhould exhibit a Show of Gladiators to the People, unleſs the care of ſuch a Solemnity had been left to him by Will: That *Senators* convicted of the *crimen ambitus*, ſhould ſuffer *aquæ & ignis interdictio* for Ten Years; and that the Commons ſhould incur a ſeverer Penalty than had been enjoin'd by the *Culpurnian* Law (*d*).

Auſidia Lex, the Author *Auſidius*, Tribune of the Commons, *A.* 692. more ſevere than that of *Tully*; having this remarkable Clauſe, That if any Candidate promis'd Money to the *Tribunes*, and did not pay it, he ſhould be excus'd; but in caſe he actually gave it, ſhould be oblig'd to pay to every *Tribe* a yearly Fine of 3000 *Seſtertii* (*e*).

Lex Licinia de Sodalitiis, the Author *M. Licinius Craſſus*, Conſul with *Cn. Pompey*, *A.* 698. appointing a greater Penalty than formerly to Offenders of this kind (*f*). By *Sodalitia*, they underſtood an unlawful making of Parties at Elections; which was intercepted as a ſort of Violence offer'd to the Freedom of the People. 'Tis ſtrange, that this ſence of the Word ſhould have eſcap'd *Cooper* and *Littleton*.

Aſconius ſeems to imply, that the *Sodalitia* and *Ambitus* were two different Crimes, when he tells us, That *Milo* was arraign'd on thoſe Two accounts, at Two ſeveral times, and not before the ſame *Quæſitor* (*g*).

(*a*) *vide Aſcon. in Milon. Cic. de finib.* 4. *Cæſ. de Bell. Civ. l.* 3, &c. (*b*) *Cic. pro Muræna.* (*c*) *Cic. pro Muræna, pro Cornel.* &c. (*d*) *Cic. in vatin. pro Sextio. pro Muræna. Dio l.* 37. (*e*) *Cic. ad Attic. l.* 1. *ep.* 11. (*f*) *Cic. pro Planc.* (*g*) *in Argument. Milonian.*

Pompeia Lex, the Author *Pompey* the Great, ſole Conſul, *A.*701. by this it was enacted, That whoever, having been convicted of a Crime of this nature, ſhould afterwards impeach Two others of the ſame Crime, ſo that one of them was condemn'd, ſhould himſelf, upon that ſcore, be pardon'd. The ſhort Form of Judgment mention'd in *Pompeia Lex de vi*, was order'd too by this Law (*a*).

Julius Cæſar quite ruin'd the Freedom and fair Proceedings in Elections, when he divided the right of chuſing Magiſtrates between himſelf and the People, or rather diſpos'd of all Offices at his Pleaſure (*b*). Hence *Lucan.*

——*Nam quo melius* Pharſalicus *annus* (*c*)
Conſule notus erit? fingit ſolennia campus,
Et non admiſſæ dirimit ſuffragia Plebis;
Decantatque Tribus, & vanâ verſat in Urnâ.
Nec cœlum ſervare licet; tonat Augure ſurdo;
Et lætæ jurantur aves bubone ſiniſtro.

From what brave Conſul cou'd the Year receive
A ſurer Mark than Death and Wars ſhall leave?
Aſſemblies are a Jeſt; and when they meet,
The gaping Crowd is bubbled with a Cheat.
The Lots are ſhook, and ſorted Tribes advance;
But *Cæſar*, not blind *Fortune*, rules the Chance.
Nor impious *Rome* Heaven's ſacred Signs obeys,
While *Jove* ſtill Thunders as the *Augurs* pleaſe:
And when Left-Owls ſome dire Diſaſter bode,
The ſtaring Miſcreants, at their Maſters Nod,
Look to the Right, and ſwear the Omen's good.

But *Auguſtus* reſtor'd the old Privileges to the *Comitia*, and reſtrain'd unlawful courſes us'd in the canvaſing at Elections, by ſeveral Penalties; (*d*) publiſhing for this purpoſe the *Lex Julia de Ambitu*, mention'd in the *Pandects.*

Leges de Pecuniis repetundis.

Calpurnia Lex, the Author *L. Calpurnius Piſo Frugi*, *A.* 604 ordaining a certain *Prætor* for the inquiſition of this Crime, and laying a great Penalty on Offenders. (*e*)

(*a*) *In Argument. Milonian.* (*b*) *Sueton. in Julio, cap.* 41. (*c*) *Lib.* 5. *v.* 391. (*d*) *Sueton. in Auguſt. cap.* 40. (*e*) *Cicero in Bruto, de Offic. lib.* 2. *orat.* 3. *in Verrem Cæcilia.*

Cæcilia Lex, mention'd by *Valerius Maximus*. (*a*) *Sigonius* believes this Law to be the very ſame with the former, and that either the two *Tribunes*, *Cæcilius* and *Calpurnius*, join'd in the making of it; and ſo it came to be call'd either *Calpurnia*, or *Cæcilia*, at pleaſure; or that in this place we ought to read *Calpurnia*. inſtead of *Cæcilia*.

Junia Lex, the Author, probably, *M. Junius Pennus*, *Tribune* of the Commons, *A.* 627. ordaining, That beſides the *litis æſtimatio*, or rating of the damages, the Perſon convicted of this Crime, ſhou'd ſuffer Baniſhment (*b*)

Servilia Lex, the Author *C. Servilus Glaucia*, Prætor, *A.* 653. ſeveral Fragments of which are collected from Authors, and tranſcrib'd from brazen Tablets by *Sigonius* (*c*).

Acilia Lex, the Author *M. Acilius Glabrio*; in which was this remarkable clauſe: That the convicted Perſon ſhou'd be allow'd neither *ampliatio*, nor *comperindinatio*; neither a new Hearing at a ſet time prefix'd by the *Prætor*, nor an Adjournment of the Tryal, 'till the third Day after the firſt appearing of the Parties in the Court (*d*).

Cornelia Lex, the Author *L. Cornelius Sylla*, Dictator; ordaining, That beſides the *litis æſtimatio*, the Perſon convicted of this Crime, ſhou'd be interdicted the Uſe of Fire and Water (*e*).

Julia Lex, the Author C. *Julius Cæſar*; this kept its Authority through the whole Series of the Emperours, and is ſtill celebrated in the *Pandects*: A great part of it was levell'd againſt the Miſdemeanours of Provincial Governours; many of which, according to this Law, are alledg'd againſt *Piſo*, who had been *Proconſul* in *Macedonia*, by *Cicero*, in his 37th. Oration.

(*a*) *L.* 6. *c.* 9. *Sect.* 10. (*b*) *Cic. in Verrem, & pro Balbo. Vell. Patetc lib.* 2 (*c*) *Cic. pro Poſthum. pro Balbo in Verrem. Sigon. de judiciis, lib.* 2. *c.* 27. (*d*) *Cic. in Verrem. Aſcon. in eaſdem.* (*e*) *Cic. pro Cluentio; in Verrem. Aſcon. Pædian. in Verrinas.*

CHAP. XXXIX.

Miſcellany Laws not ſpoken of under the general Heads.

CLODIA *Lex de Collegiis*; the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695. ordaining, That the *Collegia*, or *Companies* of Artificers inſtituted by *Numa*, which had in a great meaſure been laid down, ſhou'd be all reviv'd, and obſerv'd as formerly, with the addition of ſeveral new *Companies* (*a*).

Cæcilia Lex de jure Italiæ, & tributis tollendis; the Author *Q. Cæcilius Metellus Nepos*, Prætor, *A.* 693. ordaining, That the Tax call'd *Prætoria*, ſhou'd be taken off from all the *Italian* States (*b*).

Portoria, according to *Sigonius*'s explication, were a ſort of Toll paid always at the *carrying* of any exportable Goods to the Haven; whence the Collectors of it were call'd *Portitores*.

Lex Julia de maritandis ordinibus.

The *Romans* conſulting the Grandeur of their Republick, had always a particular Honour for a married State; and nothing was more uſual than for the *Cenſors* to impoſe a Fine upon old Batchelours. *Dionyſius Halicarnaſſæus* (*c*) mentions an old Conſtitution, by which all Perſons of full Age were oblig'd to marry: But the firſt Law of which we have any certainty, was this of *Auguſtus Cæſar*, preferr'd *A.* 736. It did not paſs before it had receiv'd ſeveral Amendments, being at firſt rejected for its extreme ſeverity. This is the Subject of *Propertius*'s Seventh Elegy of the Third Book:

Gaviſa eſt certè ſublatam Cynthia *legem*, &c.

My *Cynthia* laugh'd to ſee the Bill thrown out, *&c.*

Horace calls it *Lex Marita* (*d*).

A. 762, this Law being improv'd and enlarg'd, was preferr'd in a new Bill by *Papius* and *Popæus*, the Conſuls at that time;

(*a*) *Cic. pro Sextio; in Piſon. pro Domo. Aſcon. in Cornel.* (*b*) *Dio lib.* 37. *Cic. in Epiſt. ad Attic.* (*c*) *Lib.* 9. (*d*) *In Carmine Seculari,*

whence

whence it is ſometimes call'd *Papia Poppæa Lex*, and generally *Julia Papia*.

A great part of the general Heads are collected by *Lipſius*, in his *Excurſions* on *Tacitus* (*a*); among which, the moſt remarkable are thoſe which contain the Sanctions of Rewards and Puniſhments.

As to the firſt of theſe, it was hereby ordain'd, That all the Magiſtrates ſhou'd take Precedence according to their number of Children; or a married Man before a Batchelour: That in Elections, thoſe Candidates ſhou'd be preferr'd who had the moſt numerous Offspring: And that any Perſon might ſtand ſooner than ordinary for an Office, if he had as many Children as he wanted Years, to be capable of bearing ſuch a Dignity (*b*): That whoever in the City had Three Children, in the other Parts of *Italy* Four, and in the Provinces Five (or as ſome ſay, Seven) ſhou'd be excus'd from all troubleſom Offices in the place where he liv'd. Hence came the famous *jus trium liberorum*, ſo frequently met with in *Pliny*, *Martial*, &c. by which the Emperour often oblig'd ſuch Perſons with this Privelege, to whom Nature had denied it.

Of the Penalties incurr'd by ſuch as in ſpight of this Law liv'd a ſingle Life, the chief was, That unmarried Perſons ſhou'd be incapable of receiving any Legacy or Inheritance by Will, unleſs from their near Relations; and ſuch as were married, and yet had no Children, above half an Eſtate. Hence *Plutarch* has a ſevere Reflection on the covetous Humour of the Age: *That ſeveral of the* Romans *did not marry for the ſake of raiſing Heirs to their own Fortunes; but that they themſelves might, upon this account, be capable of inheriting the Eſtates of other Men* (*c*).

And *Juvenal* alludes to the ſame cuſtom:

Jam Pater es; dederam quod famæ opponere poſſis (*d*);
Jura Parentis habes: propter me ſcriberis Hæres;
Legatum omne capis, nec non & dulce caducum.

Now by my Toil, thou gain'ſt a Father's Fame;
No more ſhall pointing Crowds atteſt thy Shame,
Nor houting Boys thy Impotence proclaim.
Thine is the Privilege our Laws afford
To him that ſtands a Father on record:

(*a*) *Excurſ. ad Tacit. Ann. l.* 3. *Liter. C. Vid. Suet. in Octavio. c.* 34. (*b*). *Plin. Epiſt l.* 7. (*c*) *Plut.* περὶ φιλοτεκνίας. (*d*) *Sat.* 9. *v.* 86.

In Miſers Will you ſtand unqueſtion'd now,
And reap the Harveſt which you cou'd not ſow.

Claudia Lex de ſcribarum negotiatione

This Law is barely mention'd by *Suetonius* (*a*); and ſeems a part of the *Lex Claudia*, or *Clodia*, about the Trading of the Senators, already explain'd. It appears therefore, that not only the Senators, but the Scribes too, or at leaſt thoſe Scribes who aſſiſted the *Quæſtors*, were forbid to make uſe of a Veſſel of above Three hundred *Amphoræ*: We may reaſonably ſuppoſe, that this Prohibition was not laid upon them in reſpect of their Order and Degree, which were not by any means eminent; but rather upon account of their particular Place or Office; becauſe it look'd very improper, That Perſons who were concern'd in the Publick Accounts, ſhou'd, at the ſame time, by dealing in Traffick and Merchandiſe, endeavour rather the filling their own Coffers, than improving the Revenues of the State (*b*).

Mamilia Lex; this Law, as well as the former, depends upon a ſingle Authority, being juſt nam'd by *Salluſt* (*c*), and not explain'd by *Manutius*, or *Roſinus*. It ſeems to have been to this purpoſe, That ſince Affairs had been very often ill manag'd by the Nobility; thoſe Perſons, whoſe Anceſtors had bore no Magiſtracy in the State, ſuch as they call'd *Homines novi*, ſhou'd, for the future, be allow'd the Privilege of holding Publick Offices (*d*).

Atinia Lex de furtis, ordaining, That no Preſcription ſhou'd ſecure the poſſeſſion of ſtolen Goods; but that the proper Owner ſhou'd have an eternal Right to them (*e*).

(*a*) *In Domit. c.* 9. (*b*) *V. Torrent. in Not. ad locum.* (*c*) *In Bell. Jugurthin.* (*d*) *V. Rivium, in not. ad locum.* (*e*). *Cic. Verr*, 3. *Agell. l.* 17. *c.* 7.

PART

PART II.

BOOK IV.

The Roman *Art of* WAR.

CHAP I.

The Levies of the Roman *Foot.*

AT the ſame time of the Year as the *Conſuls* were declar'd *Elect* or *Deſign'd*, they choſe the Military *Tribunes*, Fourteen out of the Body of the *Equites*, who had ſerv'd in the Army five Years; and Ten out of the Commonality, ſuch as had made Ten *Campagnes*. The former they call'd *Tribuni Juniores*; the latter *Seniores*.

The *Conſuls* having agreed on a Levy (as in the time of the Common-wealth they uſually did every Year) they iſſu'd out an Edict, commanding all Perſons who had reach'd the Military Age (about Seventeen Years) to appear (commonly) in the *Capitol*, or in the *Area* before the *Capitol*, as the moſt ſacred and auguſt Place, on ſuch a Day. The People being come-

together, and the *Conſuls*, who preſided in the Aſſembly, having taken their Seat, in the firſt place the Four and twenty *Tribunes* were diſpos'd of, according to the number of Legions they deſign'd to make up, which was generally Four. The *Junior Tribunes* were aſſign'd; Four to the firſt Legion; Three to the ſecond; Four to the third; and Three to the laſt. The *Senior Tribunes*, Two to the firſt Legion and the third; Three to the ſecond and the laſt. After this, every Tribe being call'd out by Lot, was order'd to divide into their proper Centuries; out of each Century were Soldiers cited by Name, with reſpect had to their Eſtate and Claſs; for which purpoſe, there were Tables ready, at hand in which the Name, Age, and Wealth of every Perſon was exactly deſcrib'd. Four Men, as much alike in all circumſtances as cou'd be pitch'd upon, being preſented out of the Century, firſt the *Tribunes* of the firſt Legion choſe one; then the *Tribunes* of the ſecond another; the *Tribunes* of the third Legion a Third Man; and the remaining Perſon fell to the *Tribunes* of the fourth. Then Four more were drawn out; and now the Right of Chuſing firſt belong'd to the *Tribunes* of the ſecond *Legion*; in the next, Four to the *Tribunes* of the third *Legion*; then to the *Tribunes* of the fourth *Legion*; and ſo round, thoſe *Tribunes* chuſing laſt the next time, who choſe firſt the time before; the moſt equal and regular method imaginable.

Cicero has remark'd a ſuperſtitious Cuſtom obſerv'd in theſe Proceedings: That the firſt Soldiers pitch'd upon, ſhou'd, for the Omen's ſake, be ſuch as had fortunate Names; as, *Salvius*, *Valerius*, and the like (*a*).

There were many legal Excuſes which might keep Perſons from the Liſt; as, in caſe they were Fifty Years old; for then they cou'd not be oblig'd to ſerve: Or if they enjoy'd any civil or ſacred Office, which they cou'd not conveniently relinquiſh; or if they had already made Twenty Campagnes, which was the time requir'd for every Foot-ſoldier; or if upon account of extraordinary Merit, they had been by Publick Authority releas'd from the trouble of ſerving for ſuch a time; or if they were maim'd in any Part, and ſo ought not to be admitted into the Legions; as *Suetonius* tells us of a Father, who cut off the Thumbs of his two Sons, on purpoſe to keep them out of the Army (*b*): And *Valerius Maximus* gives us a relation of the like nature (*c*).

Otherwiſe they were neceſſitated to ſubmit; and in caſe of a

(*a*) *Cic. de Divinat. l.* 1. (*b*) *Sueton. Auguſt. c.* 24. (*c*). *Val. Max. l.* 6. *c.* 3

re-

refuſal, were uſually puniſh'd either with Impriſonment, Fine, or Stripes, according to the Lenity or Severity of the Conſul. And therefore it ſeems ſtrange, that *Machiavel* ſhou'd particularly commend the *Roman* Diſcipline, upon account of forcing no one to the Wars, when we have, in all parts of Hiſtory, ſuch large Intimations of a contrary practice. Nay, we read too of the *Conquiſitores*, or Impreſs-Maſters, who were commiſſion'd upon ſome occaſions to go about, and compel Men to the Service of the State.

Valerius Maximus (*a*) gives us one Example of changing this Cuſtom of taking out every particular Soldier by the *Tribunes*, for that of chuſing them by Lot: And *Appianus Alexandrinus* (*b*) acquaints us, That in the *Spaniſh* War manag'd by *Lucullus*, upon complaint to the Senate of ſeveral unjuſt Practices in the Levies, the Fathers thought fit to chuſe all the Soldiers by Lot. Yet the ſame Author aſſures us, That within five Years time, the old Cuſtom return'd of making the Levies in the manner already deſcrib'd.

However, upon any extraordinary occaſion of immediate Service; they omitted the common Formalities, and without much diſtinction, liſted ſuch as they met with, and led them out on an Expedition. Theſe they term'd *Milites ſubitarii.*

(*a*) *Lib.* 6. *cap.* 3. (*b*) *In Iberic.*

CHAP. II.

Levy and Review of the Cavalry.

ROMULUS, having eſtabliſh'd the *Senate*, choſe Three hundred of the ſtouteſt Young Men out of the moſt Noble Families to ſerve on Horſe-back: But after the inſtitution of the *Cenſus* by *Servius Tullius*, all thoſe Perſons had the Honour of being admitted into the Order of the *Equites*, who were worth Four hundred *Seſtertia*; yet no Man was thus enroll'd by the *Kings* or *Conſuls*, or afterwards by the *Cenſors*, unleſs beſides the Eſtate requir'd, no exception cou'd be taken againſt his Perſon or Morals. If theſe were unqueſtionable, his Name was entred among

among the Knights, and a Horſe and Ring given him at the Publick Charge; he being oblig'd to appear for the future on Horſe-back, as often as the State ſhou'd have occaſion for his Service.

So that there being always a ſufficient number of *Equites* in the City, there needed only a Review in order to fit them for Service. Learned Men have very little agreement in this point; yet we may venture to take notice of three ſeveral ſorts of Reviews, *Probatio*, *Tranſvectio*, and what they term'd properly *Recenſio*; though they are uſually confounded, and ſeldom underſtood.

The *Probatio* we may conceive to have been a diligent Search into the Lives and Manners of the *Equites*, and a ſtrict Obſervation of their Plight of Body, Arms, Horſe, *&c.* This is ſuppos'd to have been commonly made once a Year.

Tranſvectio Lipſius makes the ſame as *Probatio*, but he is certainly miſtaken; ſince all the Hints we meet with concerning it in Authors, argue it to have been rather a pompous Ceremony and Proceſſion, than an Examination. *Dionyſius* deſcribes it in the following manner: *The Sacrifice being finiſh'd, all thoſe who are allow'd Horſes at the expence of the State, ride along in Order, as if returning from a Battel, being habited in the* Togæ Palmatæ, *or the* Trabeæ, *and crown'd with Wreaths of Olive. The Proceſſion begins at the Temple of* Mars, *without the Walls, and is carried on through all the eminent parts of the City, particularly through the* Forum, *and the Temple of* Caſtor *and* Pollux. *The number ſometimes reacheth to Five thouſand; every Man bearing the Gifts and Ornaments receiv'd, as a Reward of his Valour, from the General. A moſt glorious Sight, and worthy of the* Roman *Grandeur (a).*

This Solemnity was inſtituted to the Honour of *Caſtor* and *Pollux*, who, in the Battel with the *Latins*, about the Year of the City 257. appear'd in the Field perſonally aſſiſting the *Romans*; and preſently after the Fight, were ſeen at *Rome* (juſt by the Fountain where their Temple was afterwards built) upon Horſes all foaming with white frothy Sweat, as if they had rode Poſt to bring Tidings of the Victory (*b*).

The proper *Recenſio* was the Account taken by the *Cenſors* every *Luſtrum*, when all the People, as well as the *Equites*, were to appear at the General Survey: So that it was only a

(*a*) *Dionyſ. Halic. lib.* 6. (*b*) *Plut. in Coriolan.*

more

more ſolemn and accurate ſort of *Probation*, with the addition of enrolling new Names, cancelling old ones, and other Circumſtances of that nature.

Beſides all this, 'twas an uſual Cuſtom for the *Equites*, when they had ſerv'd out their legal time in the Wars, to lead their Horſe ſolemnly into the *Forum*, to the Seat of the Two *Cenſors*; and there having given an account of the Commanders under whom they had ſerv'd, as alſo of the Time, Places, and Actions relating to their Service, they were diſcharg'd every Man with Honour or Diſgrace, according as he deſerv'd. For this account we are beholden to *Plutarch*, who gives a particular Relation how this Ceremony was perform'd with univerſal Applauſe by *Pompey the Great.*

It might be brought as a very good Argument of the obſcurity and confuſion of theſe Matters, that of two very Learned Men; one makes this *Equi redditio* the ſame as the *Probatio (a)*; the other the ſame as the *Tranſvectio (b)*.

——— *Non noſtrum tantas componere lites.*

The Emperors often took a review of the Cavalry; and *Auguſtus* particularly reſtor'd the old cuſtom of the *Tranſvectio*, which had before been diſcontinu'd for ſome time.

It is hard to conceive, that all the *Roman* Horſe in the Army, ſhould conſiſt of Knights: And for that reaſon, *Sigonius* and many other Learned Men, make a diſtinction in the Cavalry, between thoſe that ſerv'd *equo publico*, and thoſe that ſerv'd *equo privato*; the former they allow to have been of the Order of Knights the latter not. But *Grævius* and his Noble Country-man *Schelius* have prov'd this Opinion to be a groundleſs Conjecture. They demonſtrate from the Courſe of Hiſtory, that from the begining of the *Roman* State 'till the time of *Marius*, no other Horſe entred the Legions, but the true and proper Knights: Except in the midſt of Publick Confuſion, when Order and Diſcipline were neglected.

After that Period, the Military affairs being new-modell'd, the Knights thought not fit to expoſe themſelves abroad in the Legions as they had formerly done, but generally kept at home to enjoy their Eſtates, and to have a hand in the Tranſactions of

(a) *Herman. Hugo de Militiâ Equeſtri, l. 2. c. 5.* (b) *Sigon. Annot. ad Liv. l. 9. c. 46.*

the

the City: And their places in the Army were fill'd by Forreign Horſe: or if they ever made Campaigns themſelves, they held ſome Poſt of Honour and Command. Hence under the Emperors, a Man might be a Knight and have the Honour of a *Publick Horſe*, without ever engaging in the Publick Cauſe; or ſo much as touching Arms. Which conſideration made ſome Princes lay aſide the Cuſtom of allowing the Knights a Horſe, and leave them only their Gold-Ring to diſtinguiſh their Order, as *Pliny* (*a*) Senior affirm's to have been done in his time.

(*a*) *l.* 33. *c.* 1. *vid. Græv. Præf ad Vol.* 1. *th. Rom.*

CHAP. III.

The Military Oath, and the Levies of the Confederates.

THE Levies being finiſh'd, the *Tribunes* of every Legion choſe out one whom they thought the fitteſt Perſon, and gave him a ſolemn Oath at large; the ſubſtance of which was, That he ſhou'd oblige himſelf to obey the Commanders in all things, to the utmoſt of his Power; be ready to attend whenever they order'd his appearance; and never to leave the Army but by their conſent. After he had ended, the whole Legion, paſſing one by one, every Man, in ſhort, ſwore to the ſame effect, crying, as he went by, *Idem in me.*

This and ſome other Oaths, were ſo eſſential to the Military State, that *Juvenal* uſeth the Word *Sacramenta*, for *Milites*, or *Militiæ*; Sat. 16.

Præmia nunc alia, atque alia emolumenta notemus
Sacramentorum——

As to the raiſing the Confederate Troops, *Polybius* informs us, That at the ſame time as the Levies were made in *Rome*, the *Conſuls* gave notice to the Cities of the Allies in *Italy*; intimating the number of Forces they ſhou'd have occaſion to borrow of them, together with the Time and Place when and where they wou'd

wou'd have them make their Rendezvous. The States accordingly conven'd their Men, and, chuſing out their deſir'd Number, gave them an Oath, and aſſign'd them a Commander in Chief, and a Pay-maſter General. We may obſerve, That in the time of *Polybius*, all *Italy* was indeed ſubject to the *Romans*; yet no State or People in it, had been reduc'd into the form of a Province; retaining, for the generality, their old Governours and Laws, and being term'd *Socii*, or Confederates.

But, after all, the *Italians* were not only divided into ſeparate *Provinces*, but afterwards honour'd with the *jus Civitatis*; the Name of *Socii* ceas'd, all the Natives of *Italy* being accounted *Romans*; and therefore inſtead of the ſocial Troops, the *Auxiliæ* were afterwards procur'd, which are carefully to be diſtinguiſh'd from the former. They were ſent by foreign States and Princes, at the deſire of the *Roman* Senate, or Generals, and were allow'd a ſet Pay from the Republick; whereas the *Socii* receiv'd no conſideration for their Service, but a Diſtribution of Corn.

CHAP. IV.

Of the Evocati.

THE moſt eminent Degree of Soldiers, were the *Evocati*; taken as well out of Allies as Citizens, out of Horſe as Foot, not by Force, but at the Requeſt and Intreaty of the *Conſuls*, or other Officers: For which purpoſe, Letters were commonly diſpatch'd to every particular Man whom they deſign'd thus to invite into their Service. Theſe were old experienc'd Soldiers, and generally ſuch as had ſerv'd out their legal Time. or had receiv'd particular Marks of Favour, as a Reward of their Valour, on which accounts they were ſtyl'd *Emeriti*, and *Beneficiarii*: Scarce any War was undertaken, but a great number of theſe, were invited into the Army, therefore they had the honour to be reckon'd almoſt equal with the *Centurions*. In the Field, they uſually guarded the chief Standard, being excus'd from all the Military Drudgery, of ſtanding on the Watch, labouring in the Works, and other ſervile Employments.

The Emperour *Galba* gave the ſame Name of *Evocati*, to a ſe-

leſt

lect Band of young Gentlemen of the *Equeſtrian* Rank, whom he kept as a Guard to his Palace (*a*).

(*a*) *Sueton. in Galb. c.* 10.

CHAP. V.

The ſeveral kinds of the Roman *Foot; and their Diviſion into* Manipuli, Cohorts, *and* Legions.

THE whole *Roman* Infantry was divided into Four ſorts, *Velites*, *Haſtati*, *Principes*, and *Triarii*.

The *Velites* were commonly ſome of the *Tyro*'s, or young Soldiers, of mean Condition, and lightly Arm'd. They had their Name *à volando*, or *à velocitate*, from their Swiftneſs and Expedition. They ſeem not to have been divided into diſtinct Bodies, or Companies; but to have hover'd in looſe Order before the Army.

The *Haſtati* were ſo call'd, becauſe they us'd in ancient times to fight with Spears, which were afterwards laid aſide as incommodious: Theſe were taken out of the next in Age to the *Velites*.

The *Principes* were generally Men of middle Age, and of greateſt Vigour: 'Tis probable, That before the Inſtitution of the *Haſtati*, they us'd to begin the Fight, whence they borrowed their Name.

The *Triarii* were commonly *Veterans*, or hardy old Soldiers, of long Experience, and approv'd Valour. They had their Name from their Poſition, being Marſhall'd in the third Place, as the Main Strength and Hopes of their Party. They are ſometimes call'd *Pilarii*, from their Weapons the *Pila*.

Every one of theſe grand Diviſions, except the *Velites*, compos'd Thirty *Manipuli*, or Companies: Every *Manipulus* made Two Centuries, or *Ordines*.

Three *Manipuli*, One of the *Haſtati*, another of the *Principes*, and a third of the *Triarii*, compos'd a Cohort. Among theſe, one was fill'd with ſome of the choiceſt Soldiers and Officers, obtaining

taining the Honourable Title of *Prima Cohors.* We meet too with the *Prætoria Cohors*, inſtituted by *Scipio Numantinus*; ſelected for the moſt part out of the *Evocati*, or Reformadoes, and oblig'd only to attend on the *Prætor*, or General: And this gave original to the *Prætoriani*, the Life-guard of the Emperours.

Ten Cohorts made up a Legion: The exact number of Foot in ſuch a Battalion, *Romulus* fix'd at Three thouſand; though *Plutarch* aſſures us, That after the reception of the *Sabines* into *Rome*, he encreas'd it to Six thouſand. The Common number afterwards, in the firſt times of the Free State, was Four thouſand: In the War with *Hannibal*, it aroſe to Five thouſand. After this, 'Tis probable they ſunk to about Four thouſand, or Four thouſand two hundred, again; which was the number in the time of *Polybius.*

In the Age of *Julius Cæſar*, we don't find any Legions exceeding the *Polybian* number of Men; and he himſelf expreſly ſpeaks of Two Legions, that did not make above Seven thouſand between them (*a*).

The number of Legions kept in Pay together, was different, according to the various Times and Occaſions. During the Free State, Four Legions were commonly fitted up every Year, and divided between the Two *Conſuls*: Yet in caſes of neceſſity, we ſometimes meet with no leſs than Sixteen or Eighteen in *Livy.*

Auguſtus maintain'd a Standing Army of Twenty three, or (as ſome will have it) of Twenty five Legions; but in after-times we ſeldom find ſo many.

They borrow'd their Names from the Order in which they were rais'd, as *Prima*, *Secunda*, *Tertia*; but becauſe it uſually happen'd, that there were ſeveral *Primæ*, *Secundæ*, &c. in ſeveral places; upon that account they took a ſort of Surname beſides, either from the Emperours who firſt conſtituted them, as *Auguſta*, *Claudiana*, *Galbiana*, *Flavia*, *Ulpia*, *Trajana*, *Antoniana*; or from the Provinces which had been conquer'd chiefly by their Valour; as *Parthica*, *Scythica*, *Gallica*, *Arabica*, &c. Or from the Names of the particular Deities, for whom their Commanders had an eſpecial Honour as *Minervia*, and *Appollinaris*: Or from the Region where they had their Quarters; as *Fretenſis*, *Cyrenica*, *Britannica*, &c. Or ſometimes upon account of leſſer Accidents as *Adjutrix*, *Martia*, *Fulminatrix*, *Rapax*, &c.

(*a*) *Commentar. lib.* 5.

CHAP.

CHAP. VI.

The Diviſion of the Cavalry, and of the Allies.

THE Horſe requir'd to every Legion was Three hundred, divided into ten *Turmæ*, or Troops; Thirty to a Troop; every *Turma* making Three *Decuriæ*, or Bodies of Ten Men. This number of Three hundred they term'd *juſtus Equitatus*; and is underſtood as often as we meet with *Legio cum ſuo equitatu*; or *Legio cum juſto equitatu.* And though we now and then find a different number, as Two hundred in a place or two of *Livy* and *Cæſar*; yet we muſt ſuppoſe this alteration to have proceeded from ſome extraordinary cauſe, and conſequently to be of no Authority againſt the common Current of Hiſtory.

The foreign Troops, under which we may comprize the *Socii* and Auxiliaries, were not divided, as the Citizens, into Legions; but firſt into Two great Bodies, term'd *Alæ*, or *Cornua*; and thoſe again into Companies uſually of the ſame nature with thoſe of the *Romans*: Though, as to this, we have little light in Hiſtory, as a matter of ſmall importance.

We may further remark, That the Forces which the *Romans* borrow'd of the Confederate States, were equal to their own in Foot, and double in Horſe; though by diſpoſing and dividing them with great Policy and Caution, they prevented any Deſign that they might poſſibly entertain againſt the natural Forces: For about a third part of the foreign Horſe, and a fifth of the Foot, was ſeparated from the reſt, under the Name of *Extraordinarii*; and a more choice Part of thoſe with the Title of *Ablecti*.

In the time of the Emperours, the Auxiliary Forces were commonly Honour'd with the Name and Conſtitution of Legions; though the more ancient Appellation of *Alæ* frequently occurr. They were call'd *Alæ*, from their poſition in the Army; and therefore we muſt expect ſometimes to find the ſame Name applied to the *Roman* Soldiers, when they happen'd to have the ſame Station.

CHAP.

CHAP. VII.

The Officers in the Roman *Army; and first of the* Centurions *and* Tribunes; *with the Commanders of the Horse, and of the Confederate Forces.*

THE Military Officers may be divided, according to *Lipsius*, into proper and Common; the first presiding over some particular Part, as the *Centurions* and *Tribunes*, the other using an equal Authority over the whole Force, as the *Legati* and the General.

We can't have a tolerable Notion of the *Centurions*, without remembring what has been already deliver'd; That every one of the Thirty *Manipuli* in a Legion, was divided into Two *Ordines*, or Ranks; and consequently the Three Bodies of the *Hastati*, *Principes*, and *Triarii*, into Twenty Orders a-Piece, as into Ten *Manipuli*. Now every *Manipulus* was allow'd Two *Centurions*, or Captains; One to each Order or Century: And to determine the point of Priority between them, they were created at two different Elections. The Thirty, who were made first, always took the Precedency of their Fellows, and therefore commanded the Right hand Orders, as the others did the Left.

The *Triarii*, or *Pilani*, being esteem'd the most Honourable, had their *Centurions* elected first; next to them the *Principes*, and afterwards the *Hastati*; whence they were call'd *primus & secundus Pilus*, *primus & secundus Princeps*, *Primus & secundus Hastatus*; and so on.

Here it may be observ'd, That *primi ordines*, is us'd sometimes in Historians for the *Centurions* of those Orders; and the same *Centurions* are sometimes styl'd *Principes Ordinum*, and *Principes Centurionum*.

We may take notice too, what a large Field there lay for Promotion; first through all the Orders of the *Hastati*, then quite through the *Principes*; and afterwards from the last Order of the *Triarii*, to the *Primopilus*, the most Honorable of the *Centurions*, and who deserves to be particularly describ'd.

This Officer, beſides his Name of *Primopilus*, went under th ſeveral Titles of *Dux Legionis*, *Præfectus Legionis*, *Primus Centurionum*, and *Primus Centurio*; and was the *Centurion* of the Right-hand Order of the firſt *Manipulus* of the *Triarians* or *Pilani*, in every Legion. He preſided over all the other *Centurions*; and, generally, gave the Word of Command in Exerciſes and Engagements by Order of the *Tribunes*. Beſides this, he had the care of the Eagle, or chief Standard of the Legion: Hence *Aquilæ præeſſe* is to bear the Dignity of *Primopilus*; and hence *Aquila* is taken by *Pliny* for the ſaid Office; and *Juvenal* ſeems to intimate the ſame.

Ut locupletem Aquilam tibi Sexageſimus annus
Adferat. Sat. 14.

Nor was this Station only honourable, but very profitable too; for he had a ſpecial Stipend allow'd him, probably as much as a Knight's Eſtate; and when he left that Charge, was reputed equal to the Members of the Equeſtrian Order, bearing the Title of *Primopilarius*; in the ſame manner as thoſe who had diſcharg'd the greateſt Civil Offices, were ſtyl'd ever after *Conſulares*, *Cenſorii*, *Prætorii*, *Quæſtorii*, and *Ædilitii*.

The Badge of the *Centurion*'s Office was the *Vitis* or Rod which they bore in their Hand, whence *vitem poſcere* imports the ſame as to ſue for a *Centurion*'s Place. The *Evocati* too had the Privilege of uſing the *Vitis*, as being in all reſpects rather ſuperiour to the *Centurions*.

As to the reaſon why this Rod ſhould be made of a Vine-branch, an old Scholiaſt upon *Juvenal* has a merry Fancy, that *Bacchus* made uſe of ſuch a Scepter in his Martial Expedition, and recommended the uſe of it to Poſterity.

Beſides the Centurions, every *Manipulus* had two *Vexillarii* or Enſigns; and every Centurion choſe two *Optiones*, or *Succenturiones* to be his Deputies or Lieutenants.

The *Tribunes* owe their Name and Original to *Romulus* his Inſtitution, when he choſe three Officers in chief of that nature, out of the three Tribes into which he divided his City. The number afterwards encreas'd to ſix in every Legion. They were created, as at firſt by the Kings, ſo afterwards by the Conſuls for ſome time, 'till about *A. U. C.* 393. when the People aſſum'd this Right to themſelves: And tho' in the War with *Perſeus* King of

of *Macedon*, this Privilege was regain'd by the Conſuls (*a*), yet we find that in the very ſame War, it quickly after return'd to the People (*b*). 'Tis probable, that ſoon after they divided this Power between them, one half of the Tribunes being aſſign'd by the Conſuls, the other half elected by the People. The former ſort were term'd *Rufuli*, or *Rutili*, becauſe one *Rutilius Rufus* preferr'd a Law in their behalf: The others *Comitiati* becauſe they obtain'd their Command by the Publick Votes in the *Comitia* (*c*). They were ſometimes taken out of the Equeſtrian and Senatorian Orders: And in the time of the *Cæſars* moſt (if not all) of the *Tribunes* ſeem to have been either Senators or Knights: Upon which account, they were divided into the *Laticlavii*, and the *Anguſticlavii*; the *latus clavus* properly belonging to the former, and the *anguſtus clavus* to the latter.

The buſineſs of the *Tribunes* was to decide all Controverſies in the Army; to give the Word to the Watch; beſides the care of the Works and Camp, and ſeveral other Particulars which will fall under our notice upon ſome other occaſion.

They had the Honour of wearing a Gold-Ring in the ſame manner as the *Equites*; and becauſe their Office was extremely deſir'd to encourage and promote as many as poſſible, their Command laſted but ſix Months: For the knowledge of both theſe Cuſtoms we are beholden to one Verſe of *Juvenal*, *Sat.* 7.

Semeſtri vatum digitos circumligat auro,

Every *Turma*, or Troop of Horſe had three *Decurions*, or Captains of Ten; but he that was firſt elected commanded the Troop, and the others were but his Lieutenants; tho' every one of the *Decurions* had an *Optio* or Deputy under him.

As to the Confederate or Foreign Forces, we are not certain how the ſmaller Bodies of them were commanded; but it ſeems moſt probable, that the *Romans* generally marſhall'd them according to their own Diſcipline, and aſſign'd them Officers of the ſame nature with thoſe of the Legions. But the two *Alæ*, or great Diviſions of the Allies, we are aſſur'd had each a *Præfect* appointed them by the *Roman* Conſul, who govern'd in the ſame manner as the Legionary *Tribunes*.

(*a*) *Vide Liv. l.* 42. (*b*) *Vide Liv. l.* 43. (*c*) *Vide Aſcon. Padian. in Verrin.*

CHAP. VIII.

The Legati, *and the* Imperator, *or General.*

THE Design of the *Legati* at their first Institution, was not so much to Command as to Advise. The Senate Selecting some of the oldest and most prudent Members to assist the General in his Councils. *Dionysius* call this *The most Honourable and Sacred Office among the* Romans, *bearing not only the Authority of a Commander, but withal the Sanctity and Veneration of a Priest.* (*a*) And he and *Polybius* gives them no other Name than Πρεσβύται, Πρεσβύται καὶ συμβύλοι, *Elders* or Elders and Counsellors.

They were chose commonly by the *Consuls*; the Authority of the Senate concurring with their Nomination: Tho' this was sometimes slighted, or contradicted, as appears from *Cicero*, in his Orations for *Sextus*, and against *Vatinius*.

They commanded in chief under the General, and manag'd all Affairs by his Permission; whence *Cæsar* calls their Power *Opera fiduciaria* (*b*). And when the *Consul* or *Proconcul* was absent, they had the Honour of using the *Fasces*, and were intrusted with the same charge as the Officer whom they represented.

As to the number of the *Legati*, we have no certainty; but we may suppose this to have depended upon the Pleasure of the General, and upon the Nature and Consequence of the Affair, in which they were engag'd: However we have tolerable Ground to assign one to every Legion.

Under the Emperours there were two sorts of *Legati*, *Consulares* and *Prætorii*; the first of which commanded whole Armies, as the Emperour's Lieutenant-Generals; and the other only particular Legions.

The General excell'd all other Officers, not only because he had the chief Command of the whole Army, Horse and Foot, Legions and Auxiliaries; but especially as he was allow'd the *Auspicia*, or the Honour of taking Omens, by help of the Diviners, which made a very solemn Ceremony in all Martial Expeditions.

(*a*) *Dionys. Halicarn. l.* 11. (*b*) *Civil. l.* 2.

Hence

Henec they were ſaid, *gerere rem ſuis auſpiciis.* and *ſuis divis :* This was moſt properly applied, when they did uot act in Perſon; as *Suetonius*, when he reckons up the Conqueſts of *Auguſtus*, expreſſes himſelf, *Domuit autem partim ductu, parim auſpiciis ſuis, &c (a).*

Machiavel (b) highly extolls the Wiſdom of the *Romans* in allowing their Generals unlimited Commiſſions, by which they were empower'd to fight or not to fight; to aſſault ſuch a Town, or to march another way, without controll; the Senate reſerving to themſelves only the Power of making Peace and decreeing War, unleſs upon extraordinary occaſions. This was ſeveral times the cauſe of remarkable Victories, that in all probability had been otherwiſe prevented. Thus when *Fabius Maximus* had given the *Tuſcans* a conſiderable defeat at *Sutrium*, and entred on a Reſolution to paſs the *Ciminian* Foreſt, a very dangerous and difficult Adventure; he never ſtaid to expect further Orders from *Rome*, but immediately march'd his Forces into the Enemies Country, and at the other ſide of the Foreſt, gave them a total overthrow. In the mean time, the Senate fearing he might venture on ſuch an hazardous Attempt, ſent the Tribunes of the Commons with other Officers, to deſire *Fabius* that he would not by any means think of ſuch an Enterprize; but not arriving 'till he had effected his Deſign, inſtead of hindring his Reſolution, they return'd home with the joyful News of his Succeſs *(c)*.

The ſetting out of the General was attended with great Pomp and Superſtition. The Publick Prayers and Sacrifices for his Succeſs being finiſh'd, he, habited in a rich *Paludamentum*, a Robe of Purple or Scarlet interweav'd with Gold, begun his March out of the City, accompanied with a vaſt Retinue of all Sexes and Ages; eſpecially if the Expedition were undertaken againſt any potent or renowned Adverſary; all Perſons being deſirous to ſee and follow with their Wiſhes, him on whom all their Hopes and Fortunes depended.

If it would not be too minute, we might add a Deſcription of the General's Led-horſes, with their rich Trappings of Purple and Cloath of Gold; ſuch as *Dionyſius* tells us they brought to honeſt *Quinctius* the *Dictator*, in lieu of thoſe he had left with his Plough: Or as that of *Pompey* the Great, which *Plutarch* mentions to have been taken by the Enemy in the War with *Sertorius*.

The old *Romans* had one very Superſtitious Fancy in reference

(a) *Suet. in Aug. c.* 21. (b) *Machiavel's Diſcourſe on Liv.* (c) *Livy. l.* 9.

to the General, that if he would consent to be *devoted* or sacrificed to *Jupiter*, *Mars*, the Earth, and the Infernal Gods; all the Misfortunes which otherwise might have happen'd to his Party, would, by virtue of that pious Act, be transferr'd on their Enemies. This Opinion was confirm'd by several successful Instances, and particularly in the most renowned Family of the *Decii*; of whom, the Father, Son, and Grandson, all *devoted* themselves for the Safety of their Armies: The first being Consul with *Manlius* in the War against the *Latines*; and perceiving the Left Wing, which he commanded, to give back, he call'd out to *Valerius* the High Priest to perform on him the Ceremony of Consecration, (which we find describ'd by *Livy* in his eighth Book) and immediately spurr'd his Horse into the thickest of the Enemies Forces, where he was kill'd, and the *Roman* Army gain'd the Battel. His Son died in the same manner in the *Tuscan* War, and his Grandson in the War with *Pyrrhus*; in both which, the *Romans* were successful. *Juvenal* has left them this deserv'd Encomium in his eighth Satyr.

Plebeiæ Deciorum animæ, plebeia fuerunt
Nomina: pro totis Legionibus hi tamen & pro
Omnibus auxiliis; atque omni pube Latinâ
Sufficiunt Diis infernis Terræque Parenti,
Pluris enim Decii quàm qui servantur ab illis.

From a mean Strock the pious *Decii* came,
Small their Estates, and Vulgar was their Name:
Yet such their Virtue, that their Loss alone,
For *Rome* and all our Legions could atone:
Their Country's Doom they by their own retriev'd,
Themselves more worth than all the Host they sav'd.

Mr. *Stepney.*

CHAP.

CHAP. IX.

Of the Roman *Arms and Weapons.*

FOR the Knowledge of this Subject, we need not take up with the common Diviſion into Offenſive and Defenſive, but rather rank them both together, as they belong'd to the ſeveral ſorts of Soldiers already diſtinguiſh'd.

As to the *Velites*, their Arms were the *Spaniſh* Swords, which the *Romans* thought of the beſt Shape and Temper, and fitteſt for execution, being ſomething like the *Turkiſh* Scymetars, but more ſharp at the Point.

Haſtæ, or Javelins, ſeven in number to every Man, very light and ſlender.

Parma, a kind of round Buckler, three Foot in Diameter, of Wood cover'd with Leather.

Galea, or *Galerus*, a light Caſque for their Head, generally made of the Skin of ſome wild Beaſt, to appear the more terrible. Hence *Virgil*,

——— *Fulvoſq; lupi de pelle galeros.*

and *Propertius*.

Et galea hirſutâ compta ſupina jubâ.

It ſeems probable, that after the time when the *Socii* were admitted into the *Roman* Legions, the particular Order of the *Velites* was diſcontinued, and ſome of the youngeſt Soldiers were choſe out upon occaſion to skirmiſh before the main Body. Hence we find among the Light Forces in the times of the Emperours, the *Sagittarii* and *Funditores*, the Darters and Slingers, who never conſtituted any part of the proper *Velites*. And ſo before the Inſtitution of the *Velites*, we meet with the *Rorarii*, and the *Accenſi*, whom *Salluſt* calls *Ferentarii*, who perform'd the ſame Duty, with ſeveral ſorts of Weapons.

The Arms of the *Haſtati*, *Principes* and *Triarii* were in a great meaſure the ſame, and therefore *Polybius* has not divided them in his Deſcription, but ſpeaks of them all together.

Their Sword was the ſame as that of the *Velites*; nor need we obſerve any thing more about it, only that the *Roman* Soldiers us'd commonly to wear it on their Right ſide, that it might not hinder their Shield, tho' they are often repreſented otherwiſe in ancient Monuments.

Their other Arms, worth our notice, were the *Scutum*, the *Pilum*, the *Galea*, and the *Lorica*.

The *Scutum* was a Buckler of Wood, the Parts being joined together with little Plates of Iron, and the whole cover'd with a Bull's Hide: An Iron-plate went about it without, to keep off Blows, and another within, to hinder it from raking any damage by lying on the Ground: In the middle was an Iron-boſs or *Umbo* jutting out, very ſerviceable to glance off Stones and Darts, and ſometimes to preſs violently upon the Enemy, and drive all before them. They are to be diſtinguiſh'd from the *Clypei*, which were leſs, and quite round, belonging more properly to other Nations; tho' for ſome little time, us'd by the *Romans*. The *Scuta* themſelves were of two kinds; the *Ovata*, and the *Imbricata*; the former in a plain oval Figure; the other oblong, and bending inward, like half a Cylinder. *Polybius* makes the *Scuta* four Foot long, and *Plutarch* calls them ποδήρεις *reaching down to the Feet* (*a*). And 'tis very probable, that they cover'd almoſt the whole Body, ſince in *Livy* we meet with Soldiers, who ſtood on the Guard, ſometimes ſleeping with their Head laid on their Shield, having fix'd the other part of it on the Earth (*b*).

The *Pilum* was a Miſſive Weapon, which in a Charge, they darted on the Enemy. It was commonly Four-ſquare, but ſometimes round, compos'd of a piece of Wood about three Cubits long, and a ſlip of Iron of the ſame length, hooked and jagged at the end. They took abundance of care in joining the two Parts together, and did it ſo artificially, that it ſhould ſooner break in the Iron it ſelf than in the Joint. Every Man had two of theſe *Pila*; and this number the Poets allude to.

Bina manu lato criſpans haſtilia ferro. Virg. *Æn.* 1.

Quæ duo ſola manu geſtans acclivia monti
Fixerat intorquet jacula. Statius *Thebaid.* 2.

C. *Marius* in the *Cimbrian* War contriv'd theſe *Pila* after a new

(*a*) *Plut. in P. Æmylio.* (*b*). *Liv. lib.* 44.

fashion:

fashion: For before where the Wood was join'd to the Iron it was made fast with two Iron-pins: Now *Marius* let one of them alone as it was, and pulling out the other, put a weak wooden Peg in its place; contriving it so, that when 'twas stuck in the Enemies Shield, it should not stand out-right as formerly; but the Wooden Peg breaking the Iron should bend, and so the Javelin sticking fast by its crooked Point, should weigh down the Shield (*a*).

The *Galea* was a Head-piece, or Morrion, coming down to he Shoulders, commonly of Brass: Tho' *Plutarch* tells us, that *Camillus* order'd those of his Army to be Iron, as the stronger Metal (*b*). The lower part of this they call'd *Buccula*, as we have it in *Juvenal*.

——— *Tractâ de cassîde Buccula pendens.* Sat. 10.

A Chap-faln Beaver loosely hanging by
The Cloven Helm ———

On the top was the *Crista*, or Crest; in adorningof which the Soldiers took great Pride. In the time of *Polybius* they wore Plumes of Feathers dyed of various Colours, to render themselves beautiful to their Friends, and terrible to their Enemies, as the *Turks* do at present. But in most of the old Monuments we find the Crests represented otherwise, and not much different from those on the top of our Modern Head-pieces. Yet *Virgil* mentions the Feathers expressly.

Cujus olorinæ surgunt de vertice pennæ. Æn. 10.

And he describes *Mezentius* his Crest, as made of a Horse's Main.

——— *Cristâq; hirsutus equinâ.* Æn. 7.

But whatever the common Soldiers had for their Crest, those of the Officers were more splendid and curious; being usually work'd in Gold or Silver, and reaching quite cross the Helm for distinction sake. If we might speak of those of Foreign Commanders, the Crest of King *Pyrrhus*, as very singular, would deserve our Remark; which *Plutarch* describes as made of two Goats Horns (*c*).

(*a*) *Plutarch. in Mario.* (*b*) *Idem in Camill.* (*c*) *Idem in Pyrrho.*

The

The *Lorica* was a Brigandine or Coat of Mail, generally made of Leather, and work'd over with little Hooks of Iron, and sometimes adorn'd with small *Scales* of thin Gold; as we find in *Virgil.*

Loricam consertam hamis. Æn. 3.

And,

Nec duplici squamâ lorica fidelis & auro. Æn. 9.

Sometimes the *Loricæ* were a sort of Linen Cassocks, such as *Suetonius* attributes to *Galba*, and like that of *Alexander* in *Plutarch*; or those of the *Spanish* Troops describ'd by *Polybius* in his Account of the Battel of *Cannæ*.

The poorer Soldiers, who were rated under a thousand Drachms, instead of this Brigandine, wore a *Pectorale*, or Breast-Plate of thin Brass, about twelve Fingers square; and this, with what has been already describ'd, rendred them compleatly armed; unless we add the *Ocreæ* or Greaves, which they wore on their Legs; which perhaps they borrow'd (as many other Customs) from the *Grecians*, the

——— ——— ἰυκνημίδες Ἀχαιοί.

In the elder times of the *Romans*, their Horse us'd only a round Shield, with a Helmet on their Head, and a couple of Javelins in their Hands; great part of their Body being left without defence. But as soon as they found the great Inconveniences to which they were hereby expos'd, they begun to arm themselves like the *Grecian* Horse, or much like their own Foot, only their Shield was a little shorter and squarer, and their Launce or Javelin thicker with Spikes at each end, that if one miscarried the other might be serviceable.

CHAP.

CHAP. X.

The Order of the Roman *Army drawn up in Battalia.*

WHEN the Officers marſhall'd the Army in order to an Engagement, the *Haſtati* were plac'd in the Front in thick and firm Ranks; the *Principes* behind them; but not altogether ſo cloſe; and after them the *Triarii*, in ſo wide and looſe an Order, that, upon occaſion, they could receive both the *Principes* and the *Haſtati* into their Body in any diſtreſs. The *Velites*, and in latter times, the Bow-men and Slingers, were not drawn up in this regular manner, but diſpos'd of either before the Front of the *Haſtati*, or ſcatter'd up and down among the void ſpaces of the ſame *Haſtati*, or ſometimes plac'd in two Bodies in the Wings. But where-ever they were fix'd, theſe Light-Soldiers began the Combat, skirmiſhing in flying Parties with the firſt Troops of the Enemy: If they prevail'd, which very ſeldom happen'd, they proſecuted the Victory; but upon a Repulſe, they fell back by the Flanks of the Army, or rallied again in the Rear. When they were retir'd, the *Haſtati* advanc'd againſt the Enemy; and in caſe they found themſelves over-power'd, retiring ſoftly toward the *Principes*, fell into the Intervals of their Ranks, and together with them, renew'd the Fight. But if the *Principes* and the *Haſtati* thus join'd, were too weak to ſuſtain the Fury of the Battel, they all fell back into the wider Intervals of the *Triarii*; and then all together being united into a firm Maſs, they made another Effort, much more impetuous than any before: If this Aſſault prov'd ineffectual, the Day was entirely loſt as to the Foot; there being no farther Reſerves.

This way of marſhalling the Foot, was exactly like the Order of Trees, which Gardiners call the *Quincunx*; which is admirably compar'd to it in *Virgil* (*a*).

Ut ſæpe ingenti bello cum longa cohortes
Explicuit Legio, et campo ſtetit agmen aperto;

(*a*) *Georg.* 2.

Direc-

Directaq; acies, ac latè fluctuat omnis,
Are renidenti tellus, necdum horrida miscent
Prælia. sed dubius mediis Mars errat in armis.
Omnia sint paribus numeris dimensa viarum.
Non animum modò vti pascat prospectus inanem;
Sed quia non aliter vires dabit omnibus æquas
Terra, neq; in vacuum poterunt se extendere rami.

As Legions in the Field their Front display,
To try the Fortune of some doubtful Day,
And move to meet their Foes with sober Pace,
Strict to their Figure, tho' in wider Space
Before the Battel joins, while from afar,
The Field yet glitters with the Pomp of War;
And equal *Mars*, like an Impartial Lord,
Leaves all to Fortune, and the dint of Sword;
So let thy Vines in Intervals be set,
But not their Rural Discipline forget.
Indulge their width, and add a roomy space,
That their extremest Lines may scarce embrace.
Nor this alone t'indulge a vast Delight,
And make a pleasing Prospect for the Sight:
But for the Ground it self, this only way
Can equal vigour to the Plants convey;
Which crouded, want the room their Branches to display.

Mr. *Dryden.*

And as the reason of that position of the Trees, is not only for Beauty and Show, but that every particular Tree may have room to spread its Root and Boughs, without entangling and hindring the rest; so, in this ranking of the Men, the Army was not only set out to the best advantage, and made the greatest show, but every particular Soldier had free room to use his Weopons, and to withdraw himself between the void spaces behind him, without occasioning any confusion or disturbance.

The Stratagem of reinforcing thus three times, has been reckon'd almost the whole Art and Secret of the *Roman* Discipline; and 'twas almost impossible it shou'd prove unsuccessful, if duly observ'd: For Fortune, in every Engagement, must have fail'd them several times, before they could be routed; and the Enemy must have had the Strength and Resolution to overcome them in three several Encounters, for the decision of one Battel; whereas most

moſt other Nations, and even the *Grecians* themſelves, drawing up their whole Army, as it were, into one Front, truſted themſelves and Fortunes to the Succeſs of a ſingle Charge.

The *Roman* Cavalry was poſted at the two Corners of the Army, like the Wings on a Body and fought ſometimes on Foot, ſometimes on Horſe back, as occaſion requir'd, in the ſame manner as our Dragoons. The Confederate, or Auxiliary Forces, compos'd the Two *Points* of the *Battel*, and cover'd the whole Body of the *Romans*.

As to the Stations of the Commanders, the General commonly took up his Poſt near the middle of the Army, between the *Principes* and the *Triarii*, as the fitteſt place to give Orders equally to all the Troops. Thus *Virgil* diſpoſes of *Turnus*.

——— *Medio Dux agmine Turnus*
Vertitur Arma tenens. ——— Æn. 9.

The *Legati* and the *Tribunes* were uſually poſted by him unleſs the former were order'd to Command the Wings, or the others ſome particular Part of the Army.

The *Centurions* ſtood every Man at the Head of his Century, to lead them up; though ſometimes, out of Courage and Honour, they expos'd themſelves in the Van of the Army: As *Salluſt* reports of *Catiline*, that he poſted all his choice *Centurions*, with the *Evocati*, and the Flower of the Common Soldiers, in the Front of the Battel: But the *Primipili*, or Chief *Centurions*, had the Honour to ſtand with the *Tribunes*, near the General's Perſon.

The common Soldiers were plac'd in ſeveral Ranks, at the diſcretion of the *Centurions*, according to their Age, Strength, and Experience; every Man having three Foot ſquare allow'd him to manage his Arms in: And 'twas moſt religiouſly obſerv'd in their Diſcipline, never to abandon their Ranks, or break their Order upon any account.

But beſides the common Methods of drawing up their Army, which are ſufficiently explain'd by every Hiſtorian of any Note, there were ſeveral other very ſingular Methods of forming their Battel into odd Shapes, according to the nature of the Enemy's Body.

Such as the *Cuneus*, when an Army was rang'd in the figure of a Wedge or Triangle, the moſt proper to pierce and break the Orders

Orders of the Enemy. This was otherwise call'd *Caput porcinum*, which in some measure it resembled.

The *Globus*, when the Soldiers cast themselves into a firm round Body, practis'd usually in cases of Extremity.

The *Forfex*, an Army drawn up as it were into the form of a pair of Sheers. It seems to have been invented on purpose to receive the *Cuneus*, in case the Enemy shou'd make use of that Figure: For while he endeavour'd to open, and, as it were, to cleave their Squadrons with his Wedge, by keeping their Troops open like the Sheers, and receiving him in the middle, they not only hinder'd the Damage design'd to their own Men, but commonly cut the adverse Body in pieces.

The *Turris*, an oblong square Figure, after the fashion of a Tower, with very few Men in a File, and the Files extended to a great length. This seems of very ancient original, as being mention'd in *Homer*:

Οἱ δ' ἐπὶ πυργηδὸν σφῆας αὖτὶς ἐχώσαντες. Iliad μ.

The *Serra*, or Saw, when the first Companies in the Front of the Army, beginning the Engagement, sometimes proceeded, and sometimes drew back; so that by the help of a large Fancy, one might find some resemblance between them and the Teeth of that Instrument.

CHAP.


Signorum Militar. genera
Duo Milites cum Vexillis
Sagitarius
Funditor
Legionarius

CHAP. XI.

The Enſigns and Colours; the Muſick; the Word *in Engagements; the Harangues of the General.*

THERE are ſeveral things ſtill behind, relating to the Army, very obſervable, before we come to the Camp and Diſcipline; ſuch as the Enſigns, the Muſick, the Word, or Sign, in Engagements, and the Harangues of the General.

As to the Enſigns, they were either proper to the Foot, or to the Horſe. Enſigns belonging to the Foot, were either the common one of the whole Legion, or the particular ones of the ſeveral *Manipuli*.

The common Enſign of the whole Legion, was an Eagle of Gold or Silver, fix'd on the top of a Spear, holding a Thunderbolt in his Talons, as ready to deliver it. That this was not peculiar to the *Romans*, is evident from the Teſtimony of *Xenophon*; who informs us, That the Royal Enſign of *Cyrus* was a golden Eagle ſpread over a Shield, and faſtned on a Spear; and that the ſame was ſtill us'd by the *Perſian* Kings (*a*).

What the Enſigns of the *Manipuli* formerly were, the very Word points out to us; for, as *Ovid* expreſſes it.

Pertica ſuſpenſos portabat longa Maniplos,
Unde Maniplaris nomina miles habet.

Manipulus properly ſignifying a wiſp of Hay, ſuch as in ruder times the Soldiers carried on a Pole for an Enſign.

But this was in the ruſtick Age of *Rome*; afterwards they made uſe of a Spear with a tranſverſe piece on the top, almoſt like a Croſs; and ſometimes with a Hand on the top, in alluſion to *Manipulus*; below the tranſverſe part was faſtned one little orbicular Shield, or more, in which they ſometimes placed the ſmaller Images of the Gods, and in latter times of the Emperours.

(*a*) *De Inſtit. Cyri, lib.* 7.

Au-

Auguſtus order'd a Globe faſtned on the head of a Spear-to ſerve for this Uſe, in token of the Conqueſt of the whole World.

The Enſign of the Horſe was not ſolid as the others, but a Cloth almoſt like our Colours, ſpreading on a Staff: On theſe were commonly the Names of the Emperours, in Golden or Purple Letters.

The religious Care the Soldiers took of the Enſigns, was extraordinary; they worſhipp'd them, ſwore by them, and incurr'd certain death if they loſt them. Hence 'twas an uſual Stratagem in a dubious Engagement, for the Commanders to ſnatch the Enſigns out of the Bearers Hands, and throw them among the Troops of the Enemy, knowing that their Men wou'd venture the extremeſt Danger to recover them.

As for the ſeveral kinds of Standards and Banners, introduc'd by the later Emperours, juſt before Chriſtianity, and afterwards, they do not fall under the preſent Enquiry, which is confin'd to the more flouriſhing and vigorous Ages of the Common-wealth.

The *Romans* us'd only Wind-muſick in their Army; the Inſtruments which ſerv'd for that purpoſe, may be diſtinguiſh'd into the *Tubæ*, the *Cornua*, the *Buccinæ*, and the *Litui*.

The *Tuba* is ſuppos'd to have been exactly like our Trumpet, running on wider and wider in a direct Line to the Orifice.

The *Cornua* were bended almoſt round; they owe their Name and Original to the old Horns of Beaſts, put to the ſame uſe in the ruder Ages.

The *Buccinæ* ſeem to have had the ſame riſe, and may derive their Name from *Bos* and *Cano*. 'Tis very hard to diſtinguiſh theſe from the *Cornua*, unleſs they were ſomething leſs and, not quite ſo crooked: Yet 'tis moſt certain, that they were of a different Species; becauſe we never read of the *Cornua*, in uſe with the Watch, or Sentinels, but only theſe *Buccinæ*.

The *Litui* were a middle kind between the *Cornua* and the *Tubæ*, being almoſt ſtraight, only a little turning in at the top, like the *Lituus*, or ſacred Rod of the *Augur*, whence they borrow'd their Name.

Theſe Inſtruments being all made of Braſs, the Players on them went under the Name of *Æneatores*, beſides the particular Terms of *Tubicines*, *Cornicines*, *Buccinatores*, &c. and there ſeems to have been a ſet number aſſign'd to every *Manipulus* and *Turma*, beſides ſeveral of a higher Order, and common to the whole Legion. In a Battel, the Former took their Station by the Enſiin, or Colours, of their particular Company, or Troop: The others ſtood near the

the Chief Eagle in a Ring, hard by the General and Prime Officers; and when the Alarm was to be given, at the Word of the General, theſe latter began it, and were follow'd by the common Sound of the reſt, diſpers'd through the ſeveral parts of the Army.

Beſides this *Claſſicum*, or Alarm, the Soldiers gave a general Shout at the firſt Encounter, (a) which in later Ages they call'd *Barritus*, from ſome *German* Original.

This Cuſtom ſeems to have roſe from an Inſtinct of Nature, and is attributed almoſt to all Nations that engag'd in any Martial Action; as by *Homer* to the *Trojans*; by *Tacitus* to the *Germans*; by *Livy* to the *Gauls*; by *Quintus Curtius* to the *Macedonians* and *Perſians*; by *Thucydides*, *Plutarch*, and other Authors, to the *Grecians*. *Polyænus* honours *Pan* with the invention of the Device, when he was Lieutenant-General to *Bacchus* in the *Indian* Expedition; and, if ſo, we have a very good Original for the *Terrores Panici*, or *Panick Fears*, which might well be the conſequence of ſuch a diſmal and ſurprizing Clamour. The *Romans* made one addition to this Cuſtom, at the ſame time claſhing their Arms with great violence, to improve the Strength and Terrour of the Noiſe. This they call'd *concuſſio Armorum*.

Our famous *Milton* has given us a noble Deſcription of it, as us'd by the Rebel-Angels after their Leader's Speech for the renewing of the War.

He ſpake: And to confirm his Words, out flew
Millions of Flaming Swords, drawn from the Thighs,
Of mighty Cherubims; the ſudden Blaze,
Far round illumin'd Hell: Highly they rag'd
Againſt the Higheſt, and Fierce with graſped Arms,
Claſh'd on their Sounding Shields, the dinn of War,
Hurling defiance toward the Vault of Heaven.

Parad. Loſt. B. 1

The Signs of Battel, beſides the *Claſſicum*, were either a Flag, or Standard, erected for that purpoſe, which *Plutarch*, in two ſeveral places, calls a *Purple Robe*; or more properly ſome Word

(a) *Vid. A. Gell. Noct. Attic. lib.* 1. *cap.* 11.

or Sentence communicated by the General to the Chief Officers, and by them to the whole Army. This commonly contain'd ſome good Omen; as, *Felicitas*, *Libertas*, *Victoria*, *Fortuna Cæſaris*, and the like; or elſe the Name of ſome Deity, as *Julius Cæſar* us'd *Venus Genetrix*; and *Auguſtus*, *Apollo*. The old *Teſſera* put to this uſe, ſeems to have been a ſort of Tally, deliver'd to every Soldier to diſtinguiſh him from the Enemy; and perhaps on that they us'd to inſcribe ſome particular Word, or Sentence, which afterwards they made uſe of without the Tally.

One great Encouragement which the Soldiers receiv'd in the entrance on any Adventure, was from the Harangue of the General; who upon the undertaking an Enterprize, had a Throne erected with green Turf, ſurrounded with the *Faſces*, Enſigns, and other Military Ornaments; from whence he addreſs'd himſelf to the Army, put them in mind of the noble Atchievements of their Anceſtors, told them their own Strength, and explain'd to them the Order and Forces of the Enemy; raiſing their Hopes with the glorious Rewards of Honour and Victory, and diſſipating their Fears by all the Arguments that a natural Courage and Eloquence could ſuggeſt. This Cuſtom, tho' now laid aſide as antiquated and uſeleſs, is yet highly commended in the ancient Diſcipline, and without doubt has been often the cauſe of extraordinary Succeſſes, and the means of ſtifling Sedition, hindring raſh Action, and preventing many unfortunate Diſorders in the Field.

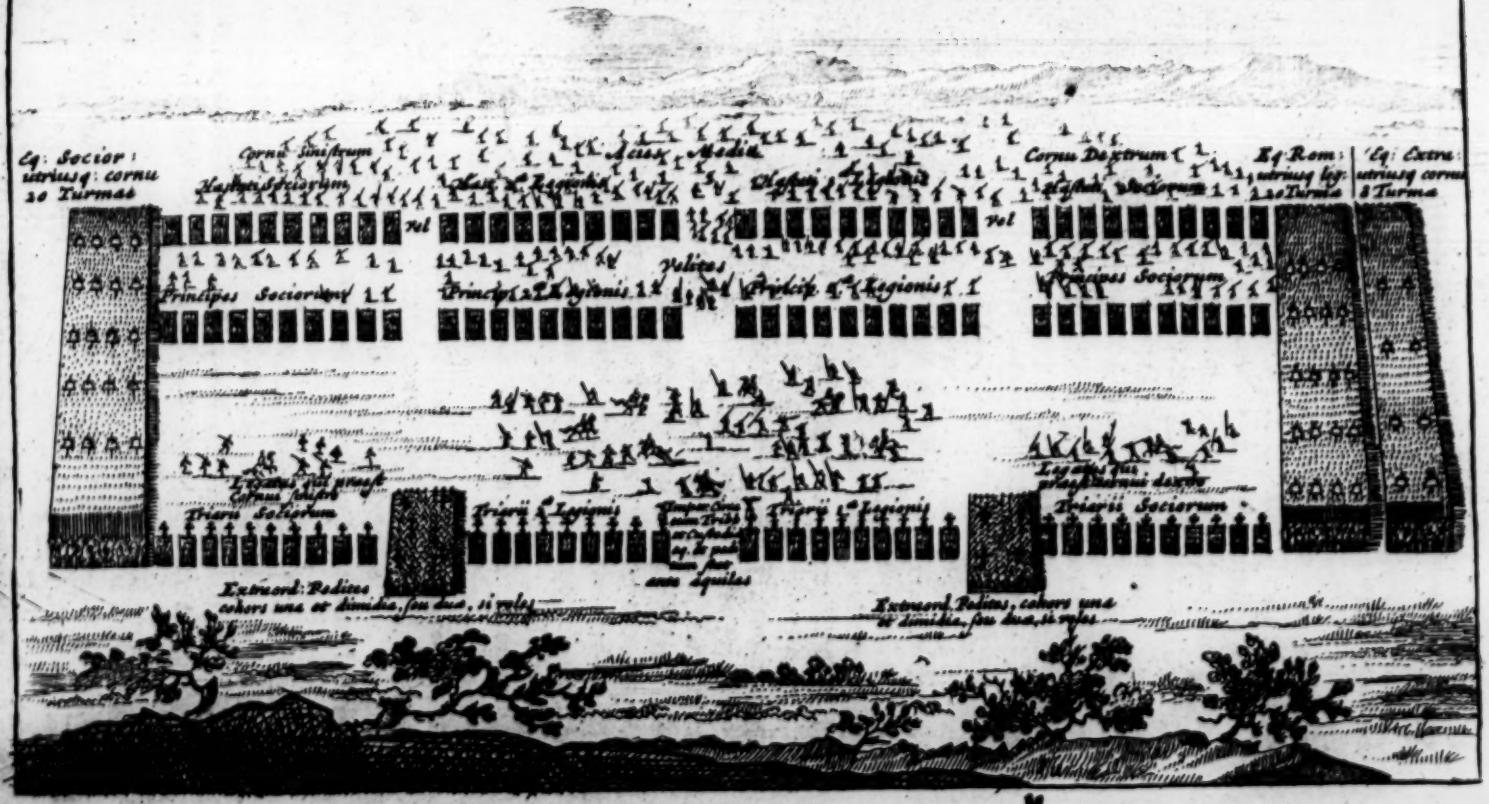
CHAP. XII.

The Form and Diviſion of the Roman *Camp.*

THE *Romans* were more exact in nothing than in forming their Camp; and two very great Commanders *Philip* of *Macedon*, and King *Pyrrhus*, upon view of their admirable Order and Contrivance herein, are reported to have expreſs'd the greateſt Admiration imaginable of the *Roman* Art, and to have thought them more than *Barbarians*, as the *Grecians* term'd all People beſides themſelves.

Before

ICONISMUS ACIEI VULGATÆ



Before we take a particular Proſpect of the Camp, we had beſt diſtinguiſh between the *Caſtra Æſtiva*, and *Caſtra Hiberna*: The former were ſometimes light and moveable, ſo that they might be ſet up or took down in a Night, and then they call'd them ſimply *Caſtra*. At other times, when they deſign'd to continue long in their Encampments, they took more pains to fortifie and regulate them, for the Convenience and Defence of their Men; and then they term'd them *Caſtra Stativa*,

As for the *Hiberna*, or Winter-Quarters, they were commonly taken up in ſome City or Town, or elſe ſo built, and contriv'd as to make almoſt a Town of themſelves. And hence the Antiquarians obſerve, That the Modern Towns whoſe Names end in *ceſter*, were originally theſe *Caſtra Hiberna* of the *Romans*.

The Figure of the *Roman* Camp was Four-ſquare, divided into two chief Partitions, the Upper and the Lower. In the Upper Partition, were the Pavilion of the General, and the Lodgments of the chief Officers: In the Lower, were diſpos'd the Tents of the common Soldiers, Horſe and Foot.

The General's Appartment, which they call'd *Prætorium* (becauſe the ancient *Latines* ſtyl'd all their Commanders *Prætores*) ſeems to have been of a round Figure: The chief Parts of it were the *Tribunal*, or General's Pavilion; the *Augurale* ſet aſide for Prayers, Sacrifices, and other Religious Uſes; the Appartments of the young Noblemen, who came under the care of the General, to inform themſelves in the Nature of the Countries, and to gain ſome Experience in Military Affairs: Theſe Gentlemen had the honourable Title of *Imperatoris Contubernales*.

On the Right ſide of the *Prætorium*, ſtood the *Quæſtorium* aſſign'd to the *Quæſtor*, or Treaſurer of the Army; and hard by the *Forum*, ſerving not only for the ſale of Commodities, but too for the meeting of Councils, and giving Audience to Ambaſſadors: This is ſometimes call'd *Quintana*.

On the other ſide of the *Prætorium* were lodg'd the *Legati*, or Lieutenant-Generals: And below the *Prætorium*, the Tribunes took up their Quarters by ſix and ſix, oppoſite to their proper Legions, to the end they might the better govern and inſpect them.

The *Præfecti* of the Foreign Troops were lodg'd at the ſides of the Tribunes, over-againſt their reſpective Wings: Behind theſe were the Lodgments of the *Evocati*, and then thoſe of the

Extraordinarii and *Ablecti equites*, which concluded the higher part of the Camp.

Between the two Partitions was included a Spot of Ground about an hundred Foot in length, which they call'd *Principia*, where the Altars and Statues of the Gods, and (perhaps) the chief Enſigns were fix'd all together.

The middle of the lower Partition, as the moſt Honourable Place, was aſſign'd to the *Roman* Horſe; and next to them were quarter'd the *Triarii*, then the *Principes*; cloſe by them the *Haſtati*; afterwards the Foreign Horſe; and in the laſt place the Foreign Foot.

But the Form and Dimenſions of the Camp, can't be ſo well deſcrib'd any other way as in a Table, where they are expos'd to view. However we may remark two great pieces of Policy in the way of diſpoſing the Confederate Forces: For in the firſt place, they divided the whole Body of Foreigners, placing part in the higheſt Partition of the Camp, and part in the lower; and then the matter was order'd ſo, that they ſhould be ſpread in thin Ranks round the Troops of the State; ſo that the latter, poſſeſſing the middle ſpace, remain'd firm and ſolid, while the others were Maſters of very little ſtrength; being ſeparated ſo vaſt a diſtance from one another, and lying juſt on the Skirts of the Army.

The *Romans* fortified their Camp with a Ditch and Parapet, which they term'd *Foſſa* and *Vallum*; in the laſt, ſome diſtinguiſh two Parts, the *Agger* and the *Sudes*. The *Agger* was no more than the Earth caſt up to form the *Vallum*; and the *Sudes* were a ſort of wooden Stakes to ſecure and ſtrengthen it.

CHAP. XIII.

Of the Duties, Works, and Exerciſes of the Soldiers.

THE Duties and Works of the Soldiers conſiſted chiefly in their Watches and Guards, and their diligence in caſting up Intrenchments and Ramparts, and ſuch other laborious Services.

The Watches and Guards were divided into the *Excubiæ*, and the *Vigiliæ*: The firſt kept by Day, the other by Night.

As

As to the *Excubiæ*, they were kept either in the Camp, or at the Gates and Intrenchments. For the former there was allow'd a whole *Manipulus* to attend before the *Prætorium*; and four Soldiers to the Tent of every *Tribune*.

The *Triarii*, as the moſt honourable Order, were excus'd from the ordinary Watches; yet being plac'd exactly oppoſite to the *Equites*, they were oblig'd to have an Eye over their Horſes.

The *Excubiæ*, at the Gates of the Camp, and at the Intrenchments they properly call'd *Stationes*. There ſeem to have been aſſign'd one Company of Foot and one Troop of Horſe to each of the Four Gates every Day. And 'twas a moſt unpardonable Crime to deſert their Poſt, or to abandon their Corps of Guards. The excellency of the *Roman* Diſcipline in this particular, has appear'd on many occaſions to their great Honour, and to the benefit of their Affairs. To give one inſtance: At the Siege of *Agrigentum* in *Sicily*, in the firſt *Punick* War, when the *Roman* Guards had diſpers'd themſelves abroad a little farther than they ought into the Fields for Forage; and the *Carthaginians*, laying hold on the opportunity, made a vigorous Sally from the Town, and in all probability would have forc'd the Camp; the Soldiers, who had careleſly neglected their Duty, being ſenſible of the extreme Penalty they had incurr'd; reſolv'd to repair the Fault by ſome remarkable Behaviour; and accordingly rallying together, they not only ſuſtain'd the Shock of the Enemy, to whom they were far inferiour in number; but in the end made ſo great a ſlaughter among them, as compell'd them to retreat to their Works, when they had well-nigh forc'd the *Roman* Lines (*a*).

The Night-guards aſſign'd to the General and Tribunes, were of the ſame nature as thoſe in the Day. But the proper *Vigiles* were four in every *Manipulus*, keeping Guard three Hours, and then reliev'd by four others: So that there were four Sets in a Night, according to the four Watches, which took their Name from this Cuſtom.

The way of ſetting this nightly Guard, was by a Tally or *Teſſera*, with a particular Inſcription given from one Centurion to another quite through the Army, 'till it came again to the Tribune who at firſt deliver'd it. Upon the receipt of this, the Guard was immediately ſet. The Perſon deputed to carry the *Teſſera* from the Tribunes to the Centurions was call'd *Teſſerarius*.

(*a*) *Vide Polyb. lib.* 1.

But becauſe this was not a ſufficient regulation of the Buſineſs, they had the *Circuitiò Vigilum*, or a viſiting the Watch, performed commonly about four times in the Night, by ſome of the Horſe. Upon extraordinary occaſions, the Tribunes and Lieutenant-Generals, and ſometimes the General himſelf, made theſe Circuits in Perſon, and took a ſtrict view of the Watch in every Part of the Camp.

Livy (*a*), when he takes an occaſion to compare the *Macedonian* with the *Roman* Soldiers, gives the latter particularly the preference, for their unwearied labour and patience in carrying on their Works. And that this was no mean Encomium, appears from the Character *Polybius* (*b*) has beſtow'd on the *Macedonians*, that ſcarce any People endur'd Hardſhips better, or were more patient of Labour, whether in their Fortifications or Encampments, or in any other painfull and hardy Employment incident to the Life of a Soldier. There is no way of ſhewing the excellency of the *Romans* in this Affair, but by giving ſome remarkable Inſtances of the Military Works; and we may be ſatisfied with an account of ſome of them, which occur under the Conduct of *Julius Cæſar*.

When he beſieg'd a Town of the *Atuatici* in *Gallia*, he begirt it with a Rampart twelve Foot high, and as many broad; ſtrengthning it with a vaſt number of wooden Forts; the whole Compaſs including fifteen Miles: And all this he finiſh'd with ſuch wonderful Expedition, that the Enemy were oblig'd to confeſs, they thought the *Romans* were aſſiſted in theſe Attempts by ſome Supernatural or Divine Power (*c*).

At another time, in an Expedition againſt the *Helvetii* in the ſame Country, with the aſſiſtance only of one Legion, and ſome Provincial Soldiers, he rais'd a Wall nineteen Miles long, and ſixteen Foot high, with a Ditch proportionable to defend it (*d*).

More remarkable than either of theſe were his Fortifications before *Aleſia*, or *Alexia* in *Burgundy*, deſcrib'd by himſelf at large in his ſeventh Book; by which he protected his Army againſt fourſcore thouſand Men that were in the Town, and two hundred and forty thouſand Foot, and eight thouſand Horſe that were arriv'd to the aſſiſtance of the Enemy (*e*).

But his moſt wonderfull Performance of this nature, were the Works with which he ſhut up *Pompey* and his Army in *Dyrrachi-*

(*a*) L. 9. (*b*) L. 9. (*c*) *Cæſar de Bell. Gall. l.* 2. *c.* 8. (*d*) *Idem, Gall.* (*e*) *Ib. l.* 7. *um,*

um, reaching from Sea to Sea; which are thus elegantly deſcribed by *Lucan*, *Lib.* 6.

Franguntur montes, planum[que]; *per ardua* Cæſar
Ducit opus: pandit foſſas, turritaq; ſummis
Diſponit Caſtella jugis, magnoq; receſſu
Amplexus fines, ſaltus, nemoroſaq; teſqua,
Et ſilvas, vaſtâq; feras indagine claudit;
Non deſunt Campi; non deſunt pabula Magno
Caſtraq; Cæſareo circumdatus aggere mutat, &c.

Vaſt Clifts beat down, no more o'er-look the main,
And levell'd Mountains form a wondrous Plain:
Unbounded Trenches with high Forts ſecure
The ſtately Works, and ſcorn a Rival Power.
Woods, Foreſts, Parks in endleſs Circuits join'd,
With ſtrange Encloſures cheat the Savage kind.
Still *Pompey*'s Foragers ſecure may range;
Still he his Camp without confinement, change.

The Exerciſes of their Body were, Walking, Running Leaping, Vaulting, and Swimming. The firſt was very ſerviceable upon account of tedious Marches, which were ſometimes of neceſſity to be undertaken; the next to make them give a more violent Charge on the Enemy; and the two laſt for climbing the Ramparts and paſſing the Ditches. The Vaulting belonged properly to the Cavalry, and is ſtill own'd as uſeful as ever.

The Exerciſes of their Arms *Lipſius* divides into *Palaria* and *Armatura*.

The *Exercitia ad Palum*, or *Palaria*, were perform'd in this manner: They ſet up a great Poſt about ſix Foot high, ſuitable to the Stature of a Man; and this the Soldiers were wont to aſſail with all Inſtruments of War, as if it were indeed a real Enemy; learning upon this, by the aſſiſtance of the *Campidoctores*, how to place their Blows a-right. *Juvenal* brings in the very Women affecting this Exerciſe.

———*Vel quis non vidit vulnera Pali*
Quem cavat aſſiduis ſudibus, ſcutoq; laceſſit? Sat. 6.

Who has not ſeen them, when without a Bluſh,
Againſt the Poſt their Wicker-Shields they cruſh,
Flouriſh the Sword, and at the Plaſtron puſh?

Armatura conſiſted chiefly in the Exerciſes perform'd with all manner of miſſive Weapons; as throwing of the Spear or Javelin, ſhooting of Arrows and the like; in which the *Tyrones*, or new liſted Men, were train'd with great care, and with the ſevereſt Diſcipline. *Juvenal* may perhaps allude to this Cuſtom in his firſt Satyr.

Tu ſcabie frueris mali, quod in aggere rodit
Qui tegitur parmâ & galeâ, metuenſq; flagelli
Diſcit ab hirſuto jaculum torquere Capello.

To you ſuch ſcabb'd harſh Fruit is giv'n, as raw
Young Soldiers at their Exerciſings gnaw,
Who trembling learn to throw the fatal Dart,
And under Rods of rough Centurions ſmart.

Nor did the common Soldiers only practiſe theſe Feats, but the Commanders themſelves often ſet them an Example of Induſtry, and were very eminent for their Dexterity in Performances of this nature. Thus the famous *Scipio* is deſcrib'd by *Silius Italicus*.

Ipſe inter medios venturæ ingentia laudis
Signa dabat, vibrare ſudem, tranſmittere ſaltu
Murales foſſas, undeſum frangere nando
Indutus thoraca vadum, ſpectacula tantæ
Antè acies virtutis erant; ſæpè alite plantâ
Ilia perfoſſum; & campi per aperta volantem
Ipſe pedes prævertit equum: ſæpè arduus idem
Caſtorum ſpatium & ſaxo tranſmiſit & haſtâ. Lib. 8.

Among the reſt the noble Chief come forth,
And ſhew'd glad Omens of his future worth.
High o'er his Head, admir'd by all the Brave,
He brandiſh'd in the Air his threatning Staff,
Or leap'd the Ditch, or ſwam the ſpacious Moat,
Heavy with Arms, and his embroyder'd Coat.
Now fiery Steeds, tho' ſpurr'd with Fury on,
On Foot he challeng'd, and on Foot out-run.

While

While croſs the Plain he ſhap'd his airy Courſe,
Flew to the Goal, and ſham'd the generous Horſe.
Now pond'rous Stones, well poiz'd, with both his Hands
Above the wondring Crowd unmov'd he ſends;
Now croſs the Camp aims his long Aſhen Spear,
Which o'er ten thouſand Heads flies ſinging thro' the Air.

Thus have we taken a ſhort view of the chief Duties, Works, and Exerciſes of the Soldiers; but we muſt not forget their conſtant Labour and Trouble of carrying their Baggage on their Shoulders in a March; this was commonly ſo heavy a Burden, and ſo extreme tireſom, that *Virgil* calls it *injuſtus fascis. Georg.* 3.

Non ſecus ac patriis acer Romanus in armis
Injuſto ſub faſce viam dum carpit, & ante
Hoſti expectatum poſitis ſtat in ordine caſtris.

Thus under heavy Arms the Youth of *Rome*
Their long laborious Marches overcome;
Bending with unjuſt Loads they chearly go,
And pitch their ſudden Camp before the Foe.

Mr. *Dryden.*

CHAP. XIV.

Of the Soldiers Pay.

THE *Roman* Pay conſiſted of three Parts, Money, Corn and Cloaths.

As to the Money, 'tis very certain, that for above three hundred Years together the Army ſerv'd *gratis*, and at their own Charge; and when afterwards a certain Pay came to be eſtabliſhed, it was no more than two *Oboli* a Day to the common Foot, and to the inferiour Officers, and the Centurions four *Oboli*; to the Horſe a *Drachma* a-piece. 'Tis probable, that the Tribunes receiv'd what was counted very conſiderable (tho' *Polybius* is ſilent in this matter) ſince in ſeveral Authors, we find a large Salary expreſs'd by a Metaphor taken from a Tribune's Stipend: Thus *Juvenal* particularly:

Alter

——— *Alter enim, quantum in Legione Tribuni*
Accipiunt, donant Calvinæ *vel* Catienæ. Sat. 3.

For t'other wealthy Rogue can throw away
Upon a ſingle Girl a *Tribune*'s Pay.

Yet *Lipſius* has conjectur'd, from very good Authority, that it could not be more than four times the ordinary Stipend, or a *Drachma* and two *Oboli*.

And theſe were all ſuch mean Conſiderations, that *Livy* had very good Reaſon for his Remark: *Nulla unquam Reſpublica fuit in quam tam ſeræ avaritia luxuriaq; immigraverint, nec ubi tantus ac tam diu paupertati ac parcimoniæ honos fuit (a). Never was there any State or Kingdom in which Avarice and Luxury ſo late gain'd a Head, or where honeſt Poverty and Frugality continu'd longer in Eſteem and Veneration.*

Julius Cæſar was the firſt that made any conſiderable alteration in this Affair; who, as *Suetonius* affirms, doubled the Legionary Pay for ever.

Auguſtus ſettled a new Stipend rais'd to ten *Aſſes* a Day; and the following Emperours made ſuch large Additions, that in the time of *Domitian*, the ordinary Stipend was twenty five *Aſſes per Diem*.

The Officers whom they receiv'd the Money from, were the *Quæſtors*; or rather the *Tribuni Ærarii*, who were a diſtinct Society from the former, and who, (as *Voſſius (b)* has ſettled the Point) were commiſſion'd to take up Money of the *Quæſtors* to pay off the Army. But it is probable, that being many in number, as they are conſtantly repreſented in Hiſtory, they had ſome other Buſineſs beſides this given them in charge. *Calvin* the Lawyer ſays, That they had the ſuperviſal of all the Money coin'd in the City, as the *Quæſtors* took care of the Taxes coming in from the Provinces *(c)*.

Beſides the Pay receiv'd in Money, we read of Corn and Cloaths often given to the Soldiers: But *Polybius* aſſures us, That the *Quæſtor* always ſubtracted ſome part of their Pay on that account: And *Plutarch*, among the popular Laws of *C. Gracchus*, makes him the Author of one, ordaining, That the Soldiers ſhould be cloath'd at the Expence of the State, without the leaſt diminution of their Stipend. The Wheat allow'd to the Foot was every Man four *Modii* a Month, to the Horſe two *Modii*, and ſeven of Barley.

(a) *L.* 1. (b) *In Etym. Lin. Lat. in Vo. Trib.* (c) *Calv. Lex. Jur. in Vo. Trib. Ærarii.*

It

It was common for the Soldiers, eſpecially in the time of the ſtrict Diſcipline, to prepare their Corn themſelves for their own uſe; and therefore ſome carried Hand-Mills about with them, to grind it with; others pounded it with Stones; and this haſtily bak'd upon the Coals, very often furniſh'd them with a Meal, which they made upon Tables of Turf, with no other Drink than bare Water, or what they call'd *Poſca*, Water ſharpen'd with a mixture of Vinegar.

CHAP. XV.

Of the Military Puniſhments.

THE Puniſhments us'd in the Camp, were ſuch as reach'd either the Offender's Body Credit, or Goods. The Corporal Puniſhments were uſually beating with the *Vites*, or Rods, or baſtinading with the *Fuſtes*: The laſt, tho' already reckon'd up, among the Civil Puniſhments, which did not touch the Life of the Malefactor; yet in the Camp it was for the moſt part Capital, and was perform'd after this manner. The convicted Perſon being brought before the *Tribune*, was by him gently ſtruck over the Shoulders with a Staff: After this, the Criminal had liberty to run, but at the ſame time the reſt of the Soldiers had liberty to kill him if they could: So that being perſecuted with Swords, Darts, Stones, and all manner of Weapons on every Hand, he was preſently diſpatch'd. This Penalty was incurr'd, by ſtealing any thing out of the Camp; by giving falſe Evidence; by abandoning their Poſt in a Battel; by pretending falſely to have done ſome great Exploit, out of hopes of a Reward; by fighting without the General's Order; by loſing their Weapons; or by aggravating a Misdemeanour leſs than either of theſe, by repeating it three times.

If a great number had offended, as by running from their Colours, mutinying, or other general Crimes, the common way of proceeding to Juſtice was by *Decimation*, or putting all the Criminal's Names together in a Shield or Veſſel, and drawing them out by Lot; every Tenth Man being to die without Reprieve, commonly in the manner juſt now deſcrib'd; ſo that by this means, tho' all were not alike ſenſible of the Puniſhment; yet all were frighted into Obedience. In later Authors, we meet ſometimes with *Viceſimatio*, and *Centeſimatio*, which Words ſufficiently explain themſelves.

The

The Puniſhments which reached no farther than their Credit, by expoſing them to publick Shame; were ſuch as theſe: Degrading them from a higher Station to a lower; giving them a ſet quantity of Barley inſtead of Wheat; ungirding them, and taking away their Belt; making them Stand all Supper-time, while the reſt ſat down; and ſuch other little Marks of Diſgrace.

Beſides theſe, *Agellius* has recorded a very ſingular Puniſhment, by letting the Delinquent Blood. His Judgment concerning the original of this Cuſtom, is to this purpoſe: He fanſies, that in elder times, this us'd to be preſcrib'd to the drowſy and ſluggiſh Soldiers, rather as a Phyſical Remedy than a Puniſhment; and that in after Ages it might have been applied in moſt other Faults, upon this Conſideration, That all thoſe who did not obſerve the Rules of their Diſcipline, were to be look'd upon as ſtupid or Mad; and for Perſons in thoſe Conditions, Blood-letting is commonly ſucceſsfull (*a*). But becauſe this reaſon is hardly ſatisfactory, the great Critick *Muretus* has oblig'd us with another, believing the deſign of this Cuſtom to have been, That thoſe mean-ſpirited Wretches might loſe that Blood with ſhame and diſgrace, which they dar'd not ſpend nobly and honourably in the Service of their Country (*b*).

As for the Puniſhments relating to their Goods and Money, the Tribunes might for ſeveral Faults impoſe a Fine on the Delinquents, and force them to give a Pledge, in caſe they could not pay. Sometimes too they ſtopp'd the Stipend; whence they were call'd, by way of reproach, *Ære diruti.*

(*a*) *Agel. l.* 10. *c.* 8. (*b*) *Muret. Variar. Lect. l.* 13. *c.* 20.

CHAP. XVI.

Of the Military Rewards.

BUT the Encouragements of Valour and Induſtry were much more conſiderable, than the Proceedings againſt the contrary Vices. The moſt conſiderable (not to ſpeak of the Promotion from one Station to another) were firſt the *dona Imperatoria*, ſuch as

The *Haſta pura*, a fine Spear of Wood without any Iron on it; ſuch an one as *Virgil* has given *Sylvius* in the Sixth of the *Æneids.*

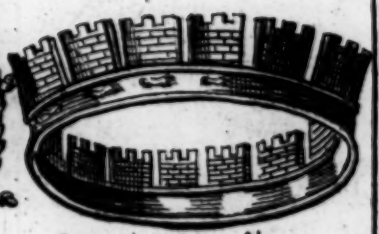
Ille, vides? purâ juvenis qui nititur haſtâ.

The









Corona Muralis



Corona Vallaris
Vel
Caſtrenſis



Corona Navalis

This Preſent was uſually beſtow'd on him, who in ſome little Skirmiſh had kill'd an Enemy, who engag'd him Hand to Hand. They were reckon'd very Honourable Gifts, and the Gods are commonly repreſented with ſuch Spears, on the old Coins. Mr. *Walker* derives hence the Cuſtom of our great Court-Officers carrying White Rods or Staves, as Enſigns of their Places.

The *Armillæ*, a ſort of Bracelets, given upon account of ſome eminent Service, only to ſuch as were born *Romans*.

The *Torques*, Golden and Silver-Collars, wreath'd with curious Art and Beauty. *Pliny* attributes the Golden Collars to the Auxiliaries, and the Silver to the *Roman* Soldiers; but this is ſuppos'd to be a miſtake.

The *Phaleræ*, commonly thought to be a Suit of rich Trappings for a Horſe; but becauſe we find them beſtow'd on the Foot as well as the Cavalry, we may rather ſuppoſe them to have been golden Chains of like nature with the *Torques*, only that they ſeem to have hung down to the Breaſt; whereas the others only went round the Neck. The hopes of theſe two laſt are particularly urg'd, among the Advantages of a Military Life by *Juvenal*, *Sat.* 16.

Ut læti phaleris omnes, & torquibus omnes.

The *Vexilla*, a ſort of Banners of different Colours, work'd in Silk or other curious Materials, ſuch as *Auguſtus* beſtow'd on *Agrippa*, after he had won the Sea-fight at *Actium*.

We may in the next place, take notice of the ſeveral Coronets, receiv'd on ſeveral occaſions. As,

Corona Civica, given to any Soldier that had ſav'd the Life of a *Roman* Citizen in an Engagement. This was reckon'd more honourable than any other Crown, tho compos'd of no better Materials than Oaken Boughs. *Virgil* calls it *Civilis Quercus*, *Æn.* 6.

Atque umbrata gerunt civili tempora Quercu.

Plutarch has gueſs'd very happily at the reaſon why the Branches of this Tree ſhould be made uſe of before all others. For the Oaken Wreath, ſays he, being otherwiſe Sacred to *Jupiter*, the great Guardian of their City; they might therefore think it the moſt proper Ornament for him who had preſerv'd a Citizen. Beſides, the Oak may very well claim the preference in this caſe; becauſe in the Primitive Times, that Tree alone was thought almoſt ſufficient for the preſerving of Man's Life: Its Acorns were the principal Diet of the old Mortals, and the Honey which was commonly

monly found there, preſented them with a very pleaſant Liquor (*a*).

It was a particular Honour conferr'd on the Perſons who had merited this Crown, That when they came to any of the publick Shows, the whole Company, as well Senate as People, ſhould ſignifie their Reſpect, by riſing up when they ſaw them enter; and that they ſhould take their Seat on theſe occaſions among the Senators; being alſo excus'd from all troubleſom Duties and Services in their own Perſons, and procuring the ſame Immunity for their Father, and Grand-father by his ſide (*b*).

Corona Muralis, given to him who firſt ſcal'd the Walls of a City in a general Aſſault; and therefore in the ſhape of it there was ſome Alluſion made to the Figure of a Wall.

Corona Caſtrenſis, or *Vallaris*, the Reward of him who had firſt forc'd the Enemies Intrenchments.

Corona Navalis, beſtow'd on ſuch as had ſignaliz'd their Valour in an Engagement at Sea; being ſet round with Figures like the Beaks of Ships.

———*Cui belli inſigne ſuperbum*
Tempora navali fulgent roſtrata Coronâ. Virg. Æn. 8.

Lipſius fanſiês the *Corona Navalis*, and the *Roſtrata*, to have been two diſtinct Species, tho' they are generally believ'd to be the ſame kind of Crown.

Corona obſidionalis: This was not like the reſt, given by the General to the Soldiers, but preſented by the common Conſent of the Soldiers to the General, when he had deliver'd the *Romans* or their Allies from a Siege. It was compos'd of the Graſs growing in the beſieg'd Place.

Corona Triumphalis, made with Wreaths of Laurel, and proper only to ſuch Generals as had the Honour of a Triumph. In After-ages this was chang'd for Gold *, and not only reſtrain'd to thoſe that actually Triumph'd, but preſented on ſeveral other accounts, as commonly by the Foreign States and Provinces to their Patrons and Benefactors. Several of the other Crowns too are thought to have been of Gold, as the *Caſtrenſis*, the *Mural*, and the *Naval*.

* *Aurum Coronarium.*

Beſides theſe, we meet with the *Coronæ aureæ*, often beſtow'd on Soldiers without any other additional Term. And *Dion Caſſius*

(*a*) *Vide Plutarch. in Coriolano.* (*b*) *Vide Plin. lib.* 16. *cap.* 4.

men-

mentions a particular ſort of Coronet made of Olive-Boughs and beſtow'd like the reſt, in conſideration of ſome ſignal Act of Valour.

Lipſius believes theſe to have ſucceeded in the Room of the Golden Crowns after they were laid aſide.

The moſt remarkable Perſon upon Record in Hiſtory, for obtaining a great number of theſe Rewards was one *C. Siccius* (or *Sicinius*) *Dentatus*; who had receiv'd in the time of his Military Service, eight Crowns of Gold; fourteen Civick Crowns, three Mural, eighty three Golden *Torques*, ſixty Golden *Armillæ*, eighteen *Haſtæ puræ*, and ſeventy five *Phaleræ*.

But far greater Honours were conferr'd on the Victorious Generals, ſome of which were uſually decreed them in their abſence, others at their arrival in the City.

Of the former kind were the *Salutatio Imperatoris*, and the *Supplicatio*; of the latter the *Ovation* and the *Triumph*.

The firſt of theſe, was no more than the ſaluting the Commander in chief with the Title of *Imperator*, upon account of any remarkable Succeſs; which Title was decreed him by the Senate at *Rome*, after it had been given him by the joint Acclamations of the Soldiers in the Camp.

The *Supplicatio* was a ſolemn Proceſſion to the Temple of the Gods to return thanks for any ſignal Victory.

(a) *Vide Agel. lib. 2. cap. 11. Valer. Max. &c.*

After

After the obtaining any ſuch remarkable Advantage, the General commonly gave the Senate an account of the Exploit, by Letters wreathed about with Laurel *, In which, after an account of his Succeſs, he deſir'd the favour of a *Supplication*, or Publick Thankſgiving.

* *Litera Laureata.*

This being granted for a ſet number of Days, the Senate went in a ſolemn manner to the chief Temples, and aſſiſted at the Sacrifices proper to the occaſion; holding a Feaſt in the Temples, to the Honour of the reſpective Deities. Hence *Servius* explains that of *Virgil.*

——*Simul Divum Templis indicit honorem.* Æn. 1.

As alluding to a ſolemn *Supplication.*

In the mean time, the whole Body of the Commonalty kept Holy-day, and frequented the Religious Aſſemblies; giving Thanks for the late Succeſs, and imploring a long continuance of the Divine Favour and Aſſiſtance.

Octavius Cæſar, together with the Conſuls, *Hirtius* and *Panſa*, upon their raiſing the Siege of *Mutina*, were honour'd with a Supplication fifty Days long.

At laſt this Ceremony became Ridiculous; as appears from the *Supplications* decreed *Nero* for the Murder of his Mother, and for the fruitfulneſs of *Poppæa*, of which we read in *Tacitus.*

The

The Ovation ſome fanſie to have deriv'd it's Name from ſhouting *Evion!* To *Bacchus*; but the true Original is *Ovis*, the Sheep, which was uſually offer'd in this Proceſſion, as an Ox in the Triumph. The Show generally began at the *Albanian* Mountain, whence the General, with his Retinue, made his Entry into the City: He went on foot, with many Flutes, or Pipes, ſounding in Conſort as he paſs'd along, wearing a Garland of Myrtle as a Token of Peace, with an Aſpect rather raiſing Love and Reſpect, than Fear. *Agellius* informs us, that this Honour was then conferred on the Victor, when either the War had not been proclaim'd in due method, or not undertaken againſt a lawful Enemy, and on a juſt account; or when the Enemy was but mean and inconſiderable (*a*). But *Plutarch* has deliver'd his Judgment in a different manner: He believes that heretofore the difference betwixt the *Ovation* and the *Triumph*, was not taken from the Greatneſs of the Archievements, but from the manner of performing them: For they who having fought a ſet Battel, and ſlain a great number of the Enemy, return'd Victors, led that Martial and (as it were) Cruel Proceſſion of the Triumph. But thoſe who without force, by Benevolence and civil Behaviour, had done the Buſineſs, and prevented the ſhedding of Human Blood; to theſe Commanders Cuſtom gave the Honour of this peaceable Ovation. For a Pipe is the Enſign, or Badge, of Peace, and Myrtle the Tree of *Venus*, who beyound any of the other Deities, has an extreme averſion to Violence and War (*b*).

But whatever other difference there lay between theſe two Solemnities, we are aſſur'd the Triumph was much the more noble and ſplendid Proceſſion. None were capable of this Honour but *Dictators*, *Conſuls*, or *Prætors*; though we find ſome Examples of a different practice; as particularly in *Pompey* the *Great*, who had a Triumph decreed him while he was only a *Roman* Knight, and had not yet reach'd the Senatorian Age (*c*).

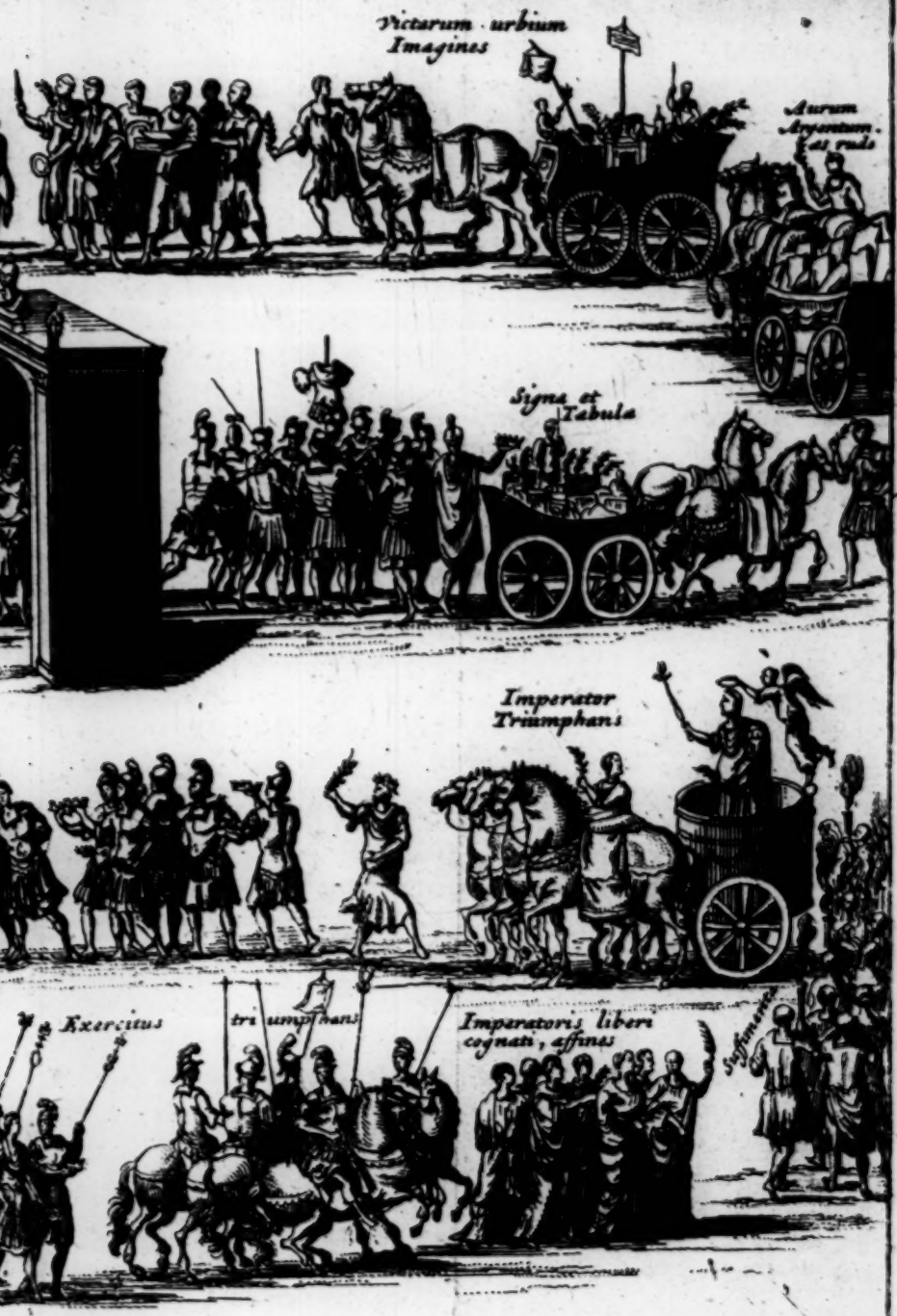
A regular account of the Proceedings at one of theſe Solemnities, will give us a better knowledge of the matter, than a larger diſquiſition about the ſeveral Parts and Appendages, that belong'd to it: And this the excellent *Plutarch* has favoured us with, his Deſcription of *Paulus Æmylius*'s Triumph, after the taking King *Perſeus* Priſoner, and putting a final period to the *Macedonian* Empire. This muſt be own'd to be the moſt glorious occaſion imaginable; and therefore we may expect the moſt compleat

(*a*) *Noct. Att.* lib. 5. cap. 6. (*b*) *Plut.* in *Marcell.* (*c*) *Plut.* in *Pomp*

Relation that can possibly be desir'd. The Ceremony then of *Æmylius*'s Triumph, was perform'd after this manner:

'The People erected Scaffolds in the *Forum*, and the *Circo's*, 'and in all other Parts of the City where they cou'd best behold 'the Pomp. The Spectators were clad in white Garments; all 'the Temples were open, and full of Garlands and Perfumes; 'the Ways clear'd and cleans'd by a great many Officers and 'Tipstaffs, that drove such as throng'd the Passage, or straggled 'up-and-down. This Triumph lasted three Days: On the first, 'which was scarce long enough for the Sight, was to be seen the 'Statues, Pictures and Images of an extraordinary bigness, which 'were taken from the Enemy, drawn upon Seven hundred and 'fifty Chariots. On the second was carried, in a great many 'Wains, the fairest and the richest Armour of the *Macedonians*, 'both of Brass and Steel, all newly furbish'd and glittering; 'which although pil'd up with the greatest Art and Order, yet 'seem'd to be tumbled on heaps carelessly and by chance; Helmets 'were thrown on Shields, Coats of Mail upon Greaves, *Cretian* 'Targets, and *Thracian* Bucklers and Quivers of Arrows lay 'hudled among the Horses Bitts; and through these appear'd the 'Points of naked Swords, intermix'd with long Spears. All 'these Arms were ty'd together with such a just liberty, that 'they knock'd against one another as they were drawn along, 'and made a harsh and terrible noise; so that the very Spoils of 'the Conquer'd cou'd not be beheld without dread. After these 'Waggons loaden with Armour, there follow'd Three thousand 'Men, who carried the Silver that was coin'd, in Seven hundred 'and fifty Vessels, each of which weigh'd three Talents, and 'was carried by four Men. Others brought Silver-Bowls, and 'Goblets, and Cups, all dispos'd in such order as to make the 'best Show; and all valuable, as well for their bigness, as the 'thickness of their engraved Work. On the third Day, early in 'the Morning, first came the Trumpeters, who did not sound as 'they were wont in a Procession or solemn Entry, but such a 'Charge as the *Romans* use when they encourage their Soldiers 'to fight. Next follow'd young Men girt about with Girdles 'curiously wrought, which led to the Sacrifice Sixscore stall'd 'Oxen, with their Horns gilded, and their Heads adorn'd with 'Ribbands and Garlands; and with these were Boys that car- 'ried Platters of Silver and Gold. After this was brought the 'Gold Coin, which was divided into Vessels that weigh'd three 'Talents, like to those that contain'd the Silver; they were in number


Tubicines
Victimæ
Capitolini
Pecuniæ
Gentium victarum arma
Vasa
Reges captivi cum familiis
Gentes bello Captæ
Exercitus triumphans


Victarum urbium Imagines
Aurum Argentum et reliq
Signa et Tabulæ
Imperator Triumphans
Exercitus
triumphans
Imperatoris liberi cognati, affines
Senatus

'number Fourſcore wanting three. Theſe were follow'd by 'thoſe that brought the conſecrated Bowl, which *Æmylius* cauſed 'to be made, that weigh'd ten Talents, and was all beſet with 'precious Stones: Then were expos'd to view the Cups of *An-*'*tigonus* and *Seleucus*, and ſuch as were made after the faſhion in-'vented by *Thericles*, and all the Gold-Plate that was us'd at *Per-*'*ſeus*'s Table. Next to theſe, came *Perſeus*'s Chariot, in the which 'his Armour was plac'd, and on that his Diadem: And, after 'a little intermiſſion, the King's Children were led Captives, 'and with them a Train of Nurſes, Maſters, and Governours, 'who all wept, and ſtretch'd forth their Hands to the Spectators, 'and taught the little Infants to beg and entreat their Compaſſi-'on. There were two Sons and a Daughter, who by reaſon of 'their tender Age, were altogether inſenſible of the greatneſs of 'their Miſery; which inſenſibility of their Condition, rendred 'it much more deplorable; inſomuch, that *Perſeus* himſelf was 'ſcarce regarded as he went along, whilſt Pity had fix'd the Eyes 'of the *Romans* upon the Infants, and many of them cou'd not 'forbear Tears: All beheld the Sight with a mixture of Sorrow 'and Joy, until the Children were paſt. After his Children and 'their Attendants came *Perſeus* himſelf, clad all in black, and 'wearing Slippers after the faſhion of his Country: He look'd 'like one altogether aſtoniſh'd and depriv'd of Reaſon, through 'the greatneſs of his Misfortunes. Next follow'd a great Com-'pany of his Friends and Familiars, whoſe Countenances were 'diſfigur'd with Grief, and who teſtified to all that beheld them 'by their Tears, and their continual looking upon *Perſeus*, that 'it was his hard Fortune they ſo much lamented, and that they 'were regardleſs of their own.----- After theſe were carried Four 'hundred Crowns all made of Gold, and ſent from the Cities by 'their reſpective Ambaſſadors to *Æmylius*, as a Reward due to 'his Valour. Then he himſelf came ſeated on a Chariot magni-'ficently adorn'd (a Man worthy to be beheld even without theſe 'Enſigns of Power;) He was clad in a Garment of Purple in-'terwoven with Gold, and held out a Laurel-Branch in his Right-'hand. All the Army in like manner, with Boughs of Laurel 'in their Hands, divided into Bands and Companies, follow'd 'the Chariot of their Commander, ſome ſinging Odes (accor-'ding to the uſual Cuſtom) mingled with Raillery; others, Songs 'of Triumph, and the Praiſes of *Æmylius*'s Deeds, who was 'admir'd, and accounted happy by all Men, and unenvy'd by 'every one that was good.

There was one remarkable Addition to this Solemnity, which, though it ſeldom happen'd, yet ought not to eſcape our notice: This was when the *Roman* General had, in any Engagement, kill'd the Chief Commander of the Enemy with his own Hands; for then, in the Triumphal Pomp, the Arms of the ſlain Captain were carried before the Victor, decently hanging on the Stock of an Oak, and ſo compoſing a Trophy. In this manner the Proceſſion was led on to the Temple of *Jupiter Feretrius* (ſo call'd *a feriendo*); and there the General making a formal Dedication of his Spoils (the *Spolia opima*, as they term'd them) hung them up in the Temple. The firſt who perform'd this Gallant piece of Religion, was *Romulus*, when he had ſlain *Acron*, King of the *Cæninenſes*; the ſecond *Cornelius Coſſus*, with the Arms of *Tolumnius*, a General of the *Veientes*; the third and laſt *M. Marcellus*, with thoſe taken from *Viridomarus*, King of the *Gauls*; whence *Virgil* ſays of him, *Æneid.* 6.

Tertiaque arma patri ſuſpendet capta Quirino.

Where *Quirino* muſt be underſtood only as an Epithet applied to *Jupiter*, as denoting his Authority and Power in War; as the ſame Word is attributed to *Janus*, by *Horace* and *Sueton.* Therefore *Servius* is moſt certainly guilty of a Miſtake, when he tells us, that the firſt Spoils of this nature were, according to *Numa*'s Laws, to be preſented to *Jupiter*; the ſecond to *Mars*; and the third to *Quirinus*, or *Romulus*; for that Decree of *Numa* only took place, if the ſame Perſon had the good Fortune to take theſe Spoils three times; but we are aſſur'd, that not only *Romulus*, but *Coſſus* and *Marcellus* too all made the Dedication to *Jupiter.*

The Admirers of the *Roman* Magnificence will be infinitely pleas'd with the Relation already given from *Plutarch* of the Triumphal Pomp: While others, who fanſie that People to have been poſſeſs'd with a ſtrange meaſure of vain-glory, and attribute all their Military State and Grandeur to an ambitious Oſtentation, will be much better ſatisfied with the ſatyrical Account which *Juvenal* furniſhes us with, in his Tenth Satyr. He is ſaying, that *Democritus* found ſubject enough for a continual Fit of Laughter, in places where there was no ſuch formal Pageantry, as is commonly to be ſeen in *Rome*; and then he goes on:

Quid

Quid ſi vidiſſet Prætorem curribus altis
Extantem, & medio ſublimem in pulvere Circi
In tunica Jovis, & pictæ Sarrana ferentem
Ex humeris aulæa togæ, magnæque coronæ
Tantum orbem quanto cervix non ſufficit ulla?
Quippe tenet ſudans hanc publicus, & ſibi Conſul
Ni placeat, curru ſervus portatur eodem.
Da nunc & volucrem, Sceptro quæ ſurgit eburno,
Illiuc Cornicines, hinc præcedentia longi
Agminis officia, & niveos ad fræna Quirites,
Defoſſa in loculis, quos ſportula fecit amicos.

What had he done, had he beheld on high
Our *Conſul* ſeated in mock-Majeſty:
His Chariot rouling o'er the duſty Place,
While with dumb Pride, and a ſet formal Face,
He moves in the dull ceremonial Track,
With *Jove*'s embroider'd Coat upon his Back:
A Suit of Hangings had not more oppreſs'd
His Shoulders, than that long laborious Veſt.
A heavy Gewgaw (call'd a Crown) that ſpread
About his Temples, drown'd his narrow Head;
And wou'd have cruſh'd it with the maſſie Freight,
But that a ſweating Slave ſuſtain'd the weight:
A Slave in the ſame Chariot ſeen to ride,
To mortifie the mighty Mad-man's Pride.
Add now the Imperial Eagle rais'd on high,
With golden Beak (the Mark of Majeſty)
Trumpets before, and on the left and right
A Cavalcade of Nobles all in white:
In their own Natures falſe and flatt'ring Tribes;
But made his Friends by Places and by Bribes.

CHAP. XVII.

The Roman *Way of declaring War, and of making Leagues.*

THE *Romans* us'd abundance of Superſtition in entring upon any Hoſtility, or cloſing in any League, or Confederacy: The Publick Miniſters who perform'd the Ceremonial Part of both theſe were the *Feciales*, or Heralds, already deſcrib'd among the Prieſts; nothing remains, but the Ceremonies themſelves, which were of this nature: When any neighbouring State had given ſufficient reaſon for the *Senate* to ſuſpect a Deſign of breaking with them; or had offer'd any Violence or Injuſtice to the Subjects of *Rome*, which was enough to give them the repute of Enemies; one of the *Feciales*, choſen out of the College on this occaſion, and habited in the Veſt belonging to his Order, together with his other Enſigns and Habiliments, ſet forward for the Enemy's Country. As ſoon as he reach'd the Confines, he pronounc'd a formal Declaration of the cauſe of his arrival, calling all the Gods to witneſs, and imprecating the Divine Vengeance on himſelf and his Country, if his Reaſons were not juſt. When he came to the chief City of the Enemy, he again repeated the ſame Declaration, with ſome addition, and withal deſired ſatisfaction. If they deliver'd into his Power the Authors of the Injury, or gave Hoſtages for ſecurity, he return'd ſatisfied to *Rome*; if, otherwiſe they deſired time to conſider, he went away for ten Days, and then came again to hear their Reſolution. And this he did, in ſome caſes, three times: But if nothing was done toward an Accommodation in about thirty Days, he declar'd that the *Romans* won'd endeavour to aſſert their Right by their Arms. After this, the Herald was oblig'd to return, and to make a true Report of his Ambaſſie before the *Senate*, aſſuring them of the Legality of the War, which they were now conſulting to undertake; and was then again diſpatch'd to perform the laſt part of the Ceremony, which was to throw a Spear into (or towards) the Enemy's Country, in token of Defiance, and as a Summons to War, pronouncing at the ſame time a ſet Form of Words to the ſame purpoſe.

As to the making of Leagues, *Polybius* acquaints us, That the Ratification of the Articles of an Agreement between the *Romans* and

and the *Carthaginians*, was perform'd in this manner: The *Carthaginians* ſwore by the Gods of their Country; and the *Romans* after their ancient Cuſtom, ſwore by a *Stone*, and then by *Mars*. They ſwore by a *Stone* thus: The Herald who took the Oath having ſworn in behalf of the Publick, takes up a Stone, and then pronounces theſe Words:

If I keep my Faith, may the Gods vouchſafe their Aſſiſtance, and give me ſucceſs; if on the contrary, I violate it, then may the other Party be entirely ſafe, and preſerved in their Country, in their Laws, in their Poſſeſſions, and in a word, in all their Rights and Liberties; and may I periſh and fall alone as now this Stone does. And then he lets the Stone fall out of his Hands (*a*).

Livy's account of the like Ceremony is ſomething more particular; yet differs little in ſubſtance, only that he ſays the Herald's concluding Clauſe was, *Otherwiſe may* Jove *ſtrike the* Roman *People as I do this Hog*; and accordingly he kill'd an Hog that ſtood ready by, with the Stone which he held in his Hand. This laſt Opinion is confirm'd by the Authority of *Virgil*, when ſpeaking of the *Romans* and *Albanians*, he ſays,

——*Et cæſâ jungebant fœdera Porcâ.*

And perhaps both theſe Cuſtoms might be in uſe at different times.

(*a*) *Polyb.* lib. 3.

CHAP. XVIII.

The Roman *Method of treating the People they conquer'd; with the Conſtitution of the* Coloniæ, Municipia, Præfecturæ, *and* Provinces.

THE civil Uſage and extraordinary Favours with which the *Romans* oblig'd the poor conquer'd Nations, has been reaſonably eſteem'd one of the prime Cauſes of the extent of their Dominions, and the eſtabliſhment of their Command: Yet when they ſaw occaſion, they were not to ſeek in ſeverer Methods, ſuch as the ſeizing on the greateſt part of the Enemy's Land, or removing the Natives to another Soil. If a State or People had been neceſſitated to ſurrender themſelves into the *Roman* Power, they us'd *ſub jugum mitti*, to be made paſs under a Yoak in token of Subjection: For this purpoſe, they ſet up two Spears, and laying a third croſs them at the top, order'd thoſe who had ſurrender'd their Perſons to go under them without Arms or Belts. Thoſe who cou'd not be brought to deliver themſelves up, but were taken by force, as they ſuffer'd ſeveral Penalties, ſo very often *ſub corona venibant*, they were publickly ſold for Slaves. Where by *Corona* ſome underſtand a ſort of Chaplets which they put about the *Captives* Heads for diſtinction; others would have it mean the Ring of the *Roman* Soldiers, who ſtood round the *Captives* while they were expos'd to ſale. *Agellius* prefers the former reaſon (*a*).

The ſeveral Forms of Government which the *Romans* eſtabliſhed in their Conqueſts, are very well worth our knowledge, and are ſeldom rightly diſtinguiſh'd. We may take notice of theſe Four: *Colonies*, *Municipia*, *Præfecturæ*, and *Provinces*.

Colonies (properly ſpeaking) were States, or Communities, where the chief part of the Inhabitants had been tranſplanted from *Rome*: and though mingled with the Natives who had been left in the conquer'd Place, yet obtain'd the whole Power and Authority in the Adminiſtration of Affairs. One great Advan-

(*a*) Lib. 7. cap. 4.

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tage of this Inſtitution was, That by this means the Veteran Soldiers, who had ſerv'd out their Legal time, and had ſpent their Vigour in the Honour and Defence of their Country, might be favour'd with a very agreeable Reward, by forming them into a Colony, and ſending them where they might be Maſters of large Poſſeſſions, and ſo lead the remainder of their Days in eaſe and plenty.

Municipia, were properly Corporations, or Infranchiſed Places, where the Natives were allow'd the uſe of their old Laws and Conſtitutions, and at the ſame time honour'd with the Privilege of *Roman* Citizens. But then this Privilege, in ſome of the *Municipia*, reach'd no farther than the bare Title, without the proper Rights of Citizens; ſuch as voting in the Aſſemblies, bearing Offices in the City, and the like. The former Honour gave them the Name of *Cives Romani*, the other only of *Romani*; as P. *Manutius* with his uſual exactneſs has diſtinguiſh'd *(a)*. Of this latter ſort, the firſt Example were the *Cærites*, a People of *Tuſcany*, who for preſerving the ſacred Relicks of the *Romans*, when the *Gauls* had taken the City, were afterwards dignified with the Name of *Roman* Citizens; but not admitted into any part of the Publick Adminiſtration. Hence the *Cenſors* Tables, where they entred the Names of ſuch Perſons as for ſome Miſdemeanour, were to loſe their Right of Suffrage, had the Name of *Cærites Tabulæ (b)*.

The *Præfecturæ* were certain Towns of *Italy*, whoſe Inhabitants had the Name of *Roman* Citizens; but were neither allowed to enjoy their own Laws nor Magiſtrates, being govern'd by annual *Præfects* ſent from *Rome*. Theſe were generally ſuch Places as were either ſuſpected, or had ſome way or other incurr'd the Diſpleaſure of the *Roman* State; this being accounted the hardeſt Condition that was impos'd on any People of *Italy (c)*.

The differences between the proper Citizens of *Rome*, and the Inhabitants of the *Municipia*, Colonies and *Præfecturæ* may be thus in ſhort ſumm'd up. The firſt and higheſt Order were regiſtred in the *Cenſus*, had the right of Suffrage and of bearing Honours, were aſſeſs'd in the Poll-tax, ſerv'd in the Legions, us'd the *Roman* Laws and Religion, and were call'd *Quirites* and *Populus Romanus*. The *Municipes* were allow'd the four firſt of theſe Marks, and were deny'd the four laſt. The *Coloni* were in theſe three reſpects like the true Citizens, that they us'd the *Ro-*

(*a*) *De Civitat.* Rom. p. 29. (*b*) *A Gell.* lib. 16. cap. 13. (*c*) *Calv.* Lexicon Juridic. *in voce.*

man Laws and Religion, and ſerv'd in the Legions; but they were debarr'd the other five Conditions. The People in the *Præfecturæ* had the hardeſt meaſure of all; being oblig'd to ſubmit to the *Roman* Laws, and yet enjoying no farther privilege of Citizens (*a*).

All other Cities and States in *Italy*, which were neither *Colonies*, *Municipia*, nor *Præfecturæ*, had the Name of *Fœderatæ Civitates*, enjoying entirely their own Cuſtoms and Forms of Government without the leaſt alteration, and only join'd in confederacy with the *Romans*, upon ſuch terms as had been adjuſted between them (*b*).

The Provinces were foreign Countries of larger extent, which, upon the entire reducing them under the *Roman* Dominion, were new modell'd according to the Pleaſure of the Conquerours, and ſubjected to the Command of annual Governours ſent from *Rome*, being commonly aſſign'd ſuch Taxes and Contributions as the Senate thought fit to demand. But becauſe the ſeveral Towns and Communities in every Country did not behave themſelves in the ſame manner toward the *Romans*, ſome profeſſing more Friendſhip, and a Deſire of Union and Agreement; while others were more obſtinate and refractory, and unwilling to part with their old Liberty upon any terms; therefore to reward thoſe People who deſerv'd well at their hands, they allow'd ſome Places the uſe of their own Conſtitutions in many reſpects, and ſometimes excus'd the Inhabitants from paying Tribute; whence they were term'd *Immunes*, in oppoſition to the *Vectigales*.

The Tribute exacted from the Provinces, was of two ſorts, either certain or uncertain. The certain Tribute, or *Stipendium*, was either a ſet Summ of Money to be collected by the Provincial *Quæſtor*, which they call'd *pecunia ordinaria*; or elſe a Subſidy rais'd on the Provincials for particular occaſions, ſuch as the maintaining of ſo many Soldiers, the rigging out, and paying ſuch a number of Veſſels, and the like, term'd *pecunia extraordinaria*.

The uncertain Tribute conſiſted of what they call'd *Portorium*, *Scriptura*, and *Decuma*. The *Portorium* was a Duty impos'd upon all Goods and Wares, imported and exported.

The *Scriptura* was a Tax laid upon Paſtures and Cattel.

The *Decuma* was the quantity of Corn which the Farmers were oblig'd to pay to the *Roman* State, commonly the tenth part of their Crop. But beſides this, which they properly term'd

(*a*) Vid. *P. Manut. de Civ.* Rom. p. 30. (*b*) Ibid.

Fru-

Frumentum Decumanum, and which was farm'd by the Publicans, hence call'd *Decumani*, there was the *Frumentum emptum*, and *Frumentum æſtimatum*, both taken up in the Provinces. The *Frumentum emptum* was of two ſorts, either *decumanum*, or *imperatum*; the former was another Tenth paid upon the conſideration of ſuch a Summ, as the Senate had determin'd to be the price of it, who rated it ſo much a Buſhel at their pleaſure. The *Frumentum imperatum*, was a quantity of Corn equally exacted of the Provincial Farmers after the two Tenths, at ſuch a price as the chief Magiſtrate pleas'd to give. *Frumentum æſtimatum*, was a Corn-Tax requir'd by the Chief Magiſtrate of the Province for his private Uſe, and the Occaſions of his Family. This was commonly compounded for in Money, and on that account, took its Name *ab æſtimando*, from rating it at ſuch a Summ of Money.

Beſides all theſe, *Sigonius* mentions *Frumentum honorarium* upon the Authority of *Cicero*, in his Oration againſt *Piſo*: But perhaps *Cicero* in that place, does not reſtrain the *Honorarium* to Corn, but may mean, in general, the Preſent uſually made to the Provincial Governours, ſoon after their entrance on their Office.

After *Auguſtus* had made a Diviſion of the Provinces between himſelf and the People, the annual Taxes paid by the Provinces under the Emperour, were call'd *Stipendia*; and thoſe which were gather'd in the peoples Provinces, *Tributa* (*a*).

(*a*) *Calvin.* Lexicon Jurid. in *Tributa.*

CHAP.

CHAP. XIX.

The Roman *Way of Taking Towns; with the moſt remarkable Inventions and Engines made uſe of in their Sieges.*

BEFORE we enquire into this Subject, a very memorable Cuſtom preſents it ſelf to our notice, which was always practiſed as ſoon as the *Roman* Army inveſted any Town; and that was the *evocatio Deorum tutelarium*, or the inviting out the Guardian Deities: The reaſon of which ſeems to have been, either becauſe they thought it impoſſible to force any Place, while it enjoy'd ſuch powerful Defenders; or elſe, becauſe they accounted it a moſt heinous act of Impiety, to act in Hoſtility againſt the Perſons of the Gods. This Cuſtom is deſcrib'd at large by *Macrobius*, in his *Saturnalia*, lib. 3. cap. 9.

The *Romans* were ſeldom deſirous of attempting any Town by way of Siege, becauſe they thought it would ſcarce anſwer the Expence and Incommodity of the Method; ſo that this was generally their laſt Hopes; and in all their great Wars, there are very few Examples of any long Leagures undertook by them. The means by which they poſſeſs'd themſelves of any important Places, were commonly either by Storm or Surrendry. If they took a Town by Storm, it was either by open force, or by ſtratagem. In the former, they made their Attacks without battering the Wall, and were only ſaid *aggredi Urbem cum corona*, *to begirt a Town*; becauſe they drew their whole Army round the Walls, and fell on in all Quarters at once. If this Way was ineffectual, they batter'd down the Walls with their Rams and other Engines. Sometimes they min'd, and entred the Town under-ground: Sometimes, that they might engage with the Enemy upon equal terms, they built wooden Towers, or rais'd Mounts to the heighth of the Walls, from whence they might gall and moleſt them within their Works. The Beſieged were in moſt danger in the firſt caſe, upon a general Aſſault; for their Walls were to be made good in all places at once; and it fell out many times, that there were not Men enough to ſupply and relieve all the Parts; and if they had a ſufficient number of Men, yet perhaps all were not of an equal Courage; and if any gave ground, the whole Town

was

was in a great hazard of being loſt: So that the *Romans* oftentimes carried very conſiderable Places at one Storm. But if they batter'd the Walls with Engines, they were under ſome diſadvantage, their Quarters being of neceſſity to be extended, ſo that they muſt be thinner and weaker in ſome places than in others, and unable to make a ſtout oppoſition againſt any conſiderable Sally. Beſides, the Beſieged were not at a loſs for ways of defeating their Stratagems; as, they eluded the Force of their Mines by Countermining, or by diſturbing them in their Works; particularly putting Oil and Feathers, with other ſtinking Stuff, into Barrels of Wood, and then ſetting them on fire, they tumbled them among the *Romans*, that the noiſomneſs of the Stench might force them to quit their Stations. Their Towers of Wood, their Rams and other Engines, they commonly ſet on fire, and deſtroy'd, and then for the Mounts which were rais'd againſt the Walls, they us'd, by digging underneath, to ſteal away the Earth, and looſen the Foundations of the Mount till it fell to the ground.

Upon this account, the *Romans* (as was before obſerv'd) much preferr'd the ſudden and brisk way of attacking a Place; and if they did not carry it in a very little time, they frequently rais'd the Siege, and proſecuted the War by other means. As *Scipio* in his *African* Expedition, having aſſaulted *Utica* without ſucceſs, he chang'd his Reſolution, drew off his Men from the Place, and addreſs'd himſelf wholly to bring the *Carthaginian* Army to an Engagement: And therefore, though ſometimes they continu'd a tedious Siege, as at *Veii*, *Carthage*, and *Jeruſalem*, yet generally they were much more deſirous of drawing the Enemy to a Battel; for by defeating an Army, they many times got a whole Kingdom in a day; whereas an obſtinate Town has coſt them ſeveral Years.

See Machiavel's *Art of WAR*, Book II.

The Inventions and Engines which the *Romans* made uſe of in their Sieges were very numerous, and the Knowledge of them is but of little Service at preſent; however we may take a ſhort view of the moſt conſiderable of them, and which moſt frequently occur in *Cæſar* and other Hiſtorians: Theſe are the *Turres mobiles*, the *Teſtudines*, the *Muſculus*, the *Vineæ*, and the *Plutei*, together with the *Aries*, the *Baliſta*, the *Catapulta*, and the *Scorpio*.

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The *Turres mobiles*, or moveable Turrets, were of two ſorts, the leſſer and the greater: The leſſer ſort were about ſixty Cubits high, and the ſquare ſides ſeventeen Cubits broad; they had five or ſix, and ſometimes ten Stories or Diviſions, every Diviſion being made open on all ſides. The greater Turret was 120 Cubits high, 23 Cubits ſquare; containing ſometimes fifteen, ſometimes twenty Diviſions. They were of very great uſe in making approaches to the Walls, the Diviſions being able to carry Soldiers with Engines, Ladders, Caſting Bridges, and other Neceſſaries. The Wheels on which they went were contriv'd to be within the Planks, to defend them from the Enemy, and the Men who were to drive them forward ſtood behind, where they were moſt ſecure; the Soldiers in the inſide were protected by raw Hides which were thrown over the Turret, in ſuch places as were moſt expos'd.

The *Teſtudo* was properly a Figure which the Soldiers caſt themſelves into; ſo that their Targets ſhould cloſe all together above their Heads, and defend them from the miſſive Weapons of the Enemy; as if we ſuppoſe the firſt rank to have ſtood upright on their Feet, and the reſt to have ſtoop'd lower and lower by degrees till the laſt Rank kneel'd down on their Knees; ſo that every Rank covering with their Target the Heads of all in the Rank before them, they repreſented a Tortoiſe-ſhell, or a ſort of Pent-houſe. This was us'd as well in Field-Battels as in Sieges. But beſides this, the *Romans* call'd in general all their cover'd defenſive Engines, *Teſtudines*: Among which, thoſe which moſt properly obtain'd the Name, ſeem'd to have been almoſt of an oval Figure compos'd of Boards, and wattled up at the ſides with Wicker; ſerving for the conveyance of the Soldiers near the Walls, on ſeveral occaſions; they run upon Wheels, and ſo were diſtinguiſh'd from the *Vineæ*, with which they are ſometimes confounded.

The *Muſculus* is conceiv'd to have been much of the ſame nature as the *Teſtudines*; but it ſeems to have been of a ſmall ſize, and compos'd of ſtronger Materials, being expos'd a much longer time to the force of the Enemy; for in theſe *Muſculi* the Pioneers were ſent to the very Walls, where they were to continue, while with their *Dolabræ*, or Pick-Axes, and other Inſtruments, they endeavour'd to undermine the Foundations. *Cæſar* has diſcrib'd the *Muſculus* at large in his ſecond Book of the Civil Wars.

The *Vineæ* were compos'd of Wicker-Hurdles laid for a Roof on the top of Poſts which the Soldiers, who went under it for Shelter,

Shelter, bore up with their Hands. Some will have them to have been contriv'd with a double Roof; the firſt and lower Roof of Planks, and the upper Roof of Hurdles to break the force of any Blow without diſordering the Machine.

The *Plutei* conſiſted of the ſame Materials as the former, but were of a much different Figure, being ſhap'd like an arched ſort of Waggon; and having three Wheels, ſo conveniently placed, that the Machine would move either way with equal eaſe. They were put much to the ſame Uſes as the *Muſculi*.

The Engines hitherto deſcrib'd were primarily intended for the defence of the Soldiers; the Offenſive are yet behind, Of theſe the moſt celebrated, and which only deſerves a particular Deſcription, was the *Aries* or Ram: This was of two ſorts, the one rude and plain, the other artificial and compound. The former ſeems to have been no more than a great Beam which the Soldiers bore on their Arms and Shoulders, and with one end of it by main force aſſail'd the Wall. The compound Ram is thus deſcrib'd by *Joſephus*: 'The Ram (ſays he) is a vaſt long Beam, like 'the Maſt of a Ship, ſtrengthen'd at one end with a Head of 'Iron, ſomething reſembling that of a Ram, whence it took it's 'Name. This is hang'd by the midſt with Ropes to another 'Beam, which lies croſs a couple of Poſts, and hanging thus e-'qually balanc'd, it is by a great number of Men violently 'thruſt forward, and recoil'd backward, and ſo ſhakes the Wall 'with it's Iron Head. Nor is there any Tower or Wall ſo thick 'or ſtrong, that after the firſt Aſſault of the Ram, can afterwards 'reſiſt it's force in the repeated Aſſaults (*a*).

Plutarch informs us that *Mark Antony* in the *Parthian* War made uſe of a Ram fourſcore Foot long: And *Vitruvius* tells us, That they were ſometimes 106, ſometimes 120 Foot in length; and to this perhaps the force and ſtrength of the Engine was in a great meaſure owing. The Ram was manag'd at one time by a whole Century or Order of Soldiers; and they being ſpent were ſeconded by another Century; ſo that it play'd continually without any intermiſſion, being uſually cover'd with a *Vinea*, to protect it from the Attempts of the Enemy.

As for the other Engines, which ſerved not for ſuch great uſes, and are not ſo celebrated in Authors, a mechanical Deſcription of them would be vexatious as well as needleſs: Only it may in ſhort be obſerv'd, That the *Baliſta* was always em-

(*a*) *Flav. Joſeph.* de Excidio Hieroſolym. lib. 3.

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ploy'd in throwing great Stones, the *Catapulta* in caſting the larger ſort of Darts and Spears, and the *Scorpio* in ſending the leſſer Darts and Arrows.

CHAP. XX.

The Naval Affairs of the Romans.

THE *Romans*, tho' their City was ſeated very conveniently for Maritime Affairs, not being above fifteen Miles diſtant from the *Tyrrhenian* Sea; and having the River *Tyber* running through it, capable of receiving the ſmaller Veſſels; yet ſeem to have wholly neglected all Naval Concerns for many Years after the building of *Rome*. And ſome are willing to aſſign this as one of the main Cauſes which preſerv'd that State ſo long in it's primitive Innocence and Integrity; free from all thoſe Corruptions which an intercourſe with Foreigners might probably have brought into faſhion. However *Dionyſius* aſſures us, that *Ancus Martius* built *Oſtia* at the Mouth of the *Tyber* for a Port, that the City might by this means be ſupplied with the Commodities of the neighbouring Nations (*a*). And it appears from the Reaſons of the *Tarentine* War agreed upon by all Hiſtorians, that the *Romans* in that Age had a Fleet at Sea. Yet *Polybius* expreſly maintains, that the firſt time they ever adventured to Sea was in the firſt *Punick* War (*b*); but he muſt either mean this only of Ships of War, or elſe contradict himſelf: For in another part of his Works, giving us a Tranſcript of ſome Articles agreed on between the *Romans* and the *Carthaginians* in the Conſulſhip of *M. Brutus* and *Horatius*, ſoon after the Expulſion of the Royal Family; one of the Articles is to this effect, *That the* Romans, *and the Allies of the* Romans, *ſhall not navigate beyond the* Fair Promontory, *unleſs conſtrain'd by Weather, or an Enemy* &c. And after this, in two other Treaties, which he has preſented us with, there are ſeveral Clauſes to the ſame purpoſe (*c*). But howſoever theſe matters are to be adjuſted, we are aſſur'd, that about the Year of the City 492 (*d*). The *Romans* obſerving that the Coaſt

(*a*) *Dionyſ. Halic.* lib. 3. (*b*) Lib. 1. (*c*) *Polyb.* Lib. 3. (*d*) *Caſaubon.* Chronolog. ad. *Polyb.*

of

of *Italy* lay expos'd to the Depredations of the *Carthaginian* Fleet, which often made Deſcents upon them; and conſidering withal, that the War was likely to laſt, they determin'd to render themſelves Maſters of a Naval Army. So wonderful was the Bravery and Reſolution of that People in Enterprizes of the greateſt hazard and moment; that having hitherto ſcarce dream'd of Navigation, they ſhould at one heat, reſolve on ſo adventurous an Expedition, and make the firſt proof of their Skill in a Naval Battle with the *Carthaginians*, who had held the Dominion of the Sea uncontеſted, deriv'd down to them from their Anceſtors. Nay, ſo utterly ignorant were the *Romans* in the Art of Ship-building, that it would have been almoſt impoſſible for them to have put their deſign in effect, had not Fortune, who always eſpous'd their Cauſe, by a meer Accident inſtructed them in the method. For a *Carthaginian* Galley, which was out a cruiſing, venturing too near the Shoar, chanc'd to be ſtranded, and before they could get her off, the *Romans* intercepting them, took her; and by the Model of this Galley, they built their firſt Fleet. But their way of inſtructing their Seamen in the uſe of the Oar, is no leſs remarkable, wherein they proceeded after this manner: They caus'd Banks to be contriv'd on the Shore in the ſame faſhion and Order as they were to be in their Galleys, and placing their Men with their Oars upon the Banks, there they exercis'd them: An Officer for that purpoſe, being ſeated in the midſt, who by Signs with his Hand inſtructed them how at once and all together they were to dip their Oars, and how in like manner to recover them out of the Water: And by this means, they became acquainted with the management of the Oar. But in a little time, finding their Veſſels were not built with extraordinary Art, and conſequently prov'd ſomewhat unweildly in working, it came into their Heads to recompence this Defect, by contriving ſome new Invention, which might be of uſe to them in Fight. And then it was that they deviſ'd the famous Machine call'd the *Corvus*; which was fram'd after the following manner: They erected on the Prow of their Veſſels, a round piece of Timber, of about a Foot and an half diameter, and about twelve Foot long; on the top whereof, they had a Block or Pully: Round this piece of Timber, they laid a Stage or Platform of Boards, four Foot broad, and about eighteen Foot long, which was well fram'd, and faſten'd with Iron. The entrance was long-ways, and it mov'd about the aforeſaid upright piece of Timber, as on a Spindle, and could be hoiſted up within ſix Foot of the top: About this was a ſort of a Para-

pet, Knee high, which was defended with upright Bars of Iron, ſharpen'd at the ends; toward the top whereof there was a Ring; through this Ring, faſtening a Rope, by the help of the Pully, they hoiſted or lowred the Engine at pleaſure; and ſo with it attack'd the Enemies Veſſels, ſometimes on their Bow, and ſometimes on their Broad-ſide, as occaſion beſt ſerv'd. When they had grappled the Enemy with thoſe Iron-Spikes, if they happen'd to ſwing Broad-ſide to Broad-ſide, then they enter'd from all parts; but in caſe they attak'd them on the Bow, they enter'd two and two by the help of this Machine, the foremoſt defending the fore-part, and thoſe that follow'd the Flanks, keeping the Boſs of their Bucklers level with the top of the Parapet.

To this purpoſe *Polybius* (according to the late moſt excellent Verſion) gives us an account of the firſt Warlike Preparations, which the *Romans* made by Sea. We may add, in ſhort, the Order which they obſerv'd in drawing up their Fleet for Battel, taken from the ſame Author. The two Conſuls were in the two Admiral Galleys in the Front of their two diſtinct Squadrons, each of them juſt a-head of their own Diviſions, and a-breaſt of each other; the firſt Fleet being poſted on the Right, the ſecond on the Left, making two long Files or Lines of Battel. And whereas it was neceſſary to give a due ſpace between each Galley, to ply their Oars, and keep clear one of another, and to have their Heads or Prows looking ſomewhat outwards; this manner of drawing up, did therefore naturally form an Angle, the point whereof was at the two Admiral-Galleys, which were near together; and as their two Lines were prolong'd, ſo the diſtance grew conſequently wider and wider towards the Rear. But becauſe the Naval as well as the Land-Army conſiſted of four Legions, and accordingly the Ships made four Diviſions, two of theſe are yet behind: Of which the third Fleet, or the third Legion, was drawn up Front-ways in the Rear of the firſt and ſecond, and ſo ſtretching along from point to point compos'd a Triangle, whereof the third Line was the Baſe. Their Veſſels of Burden, that carried their Horſes and Baggage, were in the Rear of theſe; and were by the help of ſmall Boats provided for that purpoſe, towed or drawn after them. In the Rear of all, was the fourth Fleet, call'd the *Triarians*, drawn up likewiſe in Rank or Front-ways parallel to the third: But theſe made a longer Line, by which means the Extremities ſtretch'd out, and extended beyond the two Angles at the Baſe. The ſeveral Diviſions of the Army being thus diſpos'd form'd, as is ſaid, a Triangle; The Area within was void, but the Baſe was thick and ſolid,

lid, and the whole Body quick, active, and very difficult to be broken.

If we deſcend to a particular Deſcription of the ſeveral ſorts of Ships; we meet commonly with three kinds, Ships of War, Ships of Burden, and Ships of Paſſage: The firſt for the moſt part rowed with Oars; the ſecond ſteer'd with Sails; and the laſt often towed with Ropes. Ships of Paſſage were either for the Tranſportation of Men, ſuch as the ὁπλαγωγοὶ or στρατιωτίδες; or of Horſes, as the *Hippagines*. The Ships of Burden, which the *Roman* Authors call *Naves onerariæ*, and the *Grecian* φορτικοὶ, and ὁλκάδες, (whence the Name of our *Hulks* may probably be deriv'd) ſerv'd for the conveyance of Victuals and other Proviſions, and ſometimes too for the carrying over Soldiers, as we find in *Cæſar*. Of the Ships of War, the moſt conſiderable, were the *Naves longæ*, or Galleys, ſo nam'd from their Form, which was the moſt convenient to wield round, or to cut their way; whereas the Ships of Burden were generally built rounder and more hollow, that they might be the more eaſie to load, and might hold the more Goods. The moſt remarkable of the *Naves longæ* were the *Triremis*, the *Quadriremis*, and the *Quinqueremis*. Τριήρης Τετρήρης, and Πεντήρης; exceeding one another by one Bank of Oars; which Banks were rais'd ſlopingly one above another; and conſequently thoſe which had moſt Banks were built higheſt, and rowed with the greateſt ſtrength. Some indeed fanſie a different Original of theſe Names, as that in the *Triremes*, for Example, either there were three Banks one after the other on a level, or three Rowers ſat upon one Bank; or elſe three Men tugg'd all together at one Oar: But this is contrary not only to the Authority of the Claſſicks, but to the Figures of the *Triremes* ſtill appearing in ancient Monuments. Beſides theſe, there were two other Rates, one higher, and the other lower. The higher Rates we meet with are the *Hexeres*, the *Hepteres*, the *Octeres*, and ſo on to the πεντεκαιδεκήρης; nay *Polybius* relates that *Philip* of *Macedon*, Father to *Perſeus*, had an ἑκκαιδεκήρης (*a*); which *Livy* tranſlates, *navis quam ſexdecim verſus remorum agebant* (*b*), a Ship with ſixteen Banks: Yet this was much Inferiour to the Ship built by *Philopater*, which *Plutarch* tells us had forty Banks (*c*). The lower Rates were the *Biremis* and the *Moneres*. The *Bireme* in *Greek* δίκροτος, or δίκροτον, conſiſted of two Banks of Oars: Of theſe, the fitteſt for Service, by reaſon

(*a*) *Polyb.* in Fragment. (*b*) Lib. 53. (*c*) *In Demetrio.*

of their lightneſs and ſwiftneſs, were call'd *Liburnicæ*, from the *Liburni*, a People in *Dalmatia*, who firſt invented that ſort of Building; for being generally *Corſairs*, they row'd up and down in theſe light Veſſels, and maintain'd themſelves by the Prizes they took (*a*). Yet in later times, all the ſmaller and more expedite Ships, whether they had more or leſs than two Banks, were term'd in general *Liburnæ*, or *Liburnicæ*. Thus *Horace* and *Propertius* call the Ships which *Auguſtus* made uſe of in the Sea-Engagement at *Actium*: And *Florus* informs us, that his Fleet was made up of Veſſels from three to ſix Banks (*b*). *Suetonius* mentions an extravagant ſort of *Liburnicæ* invented by the Emperour *Caligula*, adorn'd with Jewels in the Poop, with Sails of many Colours, and furniſh'd with large Portico's, Bagnio's and Dining-rooms, beſides the curious Rows of Vines and Fruit-Trees of all ſorts (*c*).

The *Moneres* mention'd by *Livy* was a Galley having but one ſingle Bank of Oars, of which we find five ſorts in Authors, the εἰκόσορος or *Actuaria*, the τειακόντορος, the τεσσαρακόντορος, the πεντηκόνορος, and the ἑκατόντορος, of twenty, thirty, forty, fifty, and an hundred Oars.

It may be obſerv'd, that tho' theſe Under-Rates are ſuppos'd to have been built in the form of the *Naves longæ*, yet they are not ſo generally honour'd with that Name; and ſometimes in Authors of credit we find them directly oppos'd to the *Naves longæ*, and at other times to the μακραὶ, or War-ſhips.

But the Ships of War occur under ſeveral other different Denominations, as the *Tectæ*, or *Conſtratæ*, or the *Apertæ*. The *Tectæ*, or κατάφρακτοι were ſo call'd, becauſe they had κατάστρωματα or Hatches; whereas the *Apertæ* or ἄφρακτοι had none. The greater Ships, as the *Quadriremes* and upwards, ſeem always to have had Hatches; the *Triremes* and *Biremes* are ſometimes deſcrib'd otherwiſe; and all below theſe were *Apertæ*. *Cicero* and other Authors ſometimes uſe the Word *Aphractum* for a particular ſort of Ship; and *Polybius* κατάφρακτον, for a *Quinquereme*. Beſides theſe we meet with the *Naves roſtratæ* and *Naves turritæ*; the firſt were ſuch as had Beaks or *Roſtra*, neceſſary to all Ships which were to engage in a Battel. The others were ſuch as had Turrets erected on their Decks, from whence the Soldiers us'd all manner of Weapons and Engines, as if it had

(*a*) *Dacier* on *Horace*, Epod. 1. (*b*) Lib. 4. cap. 11. (*c*) *Sueton.* in *Calig.* cap. 37.

been

been on land, and ſo engag'd with the greateſt Fury imaginable; as *Virgil* deſcribes the Fight at *Actium*.

———Pelago credas innare revulſas
Cycladas, aut montes concurrere montibus altos;
Tantâ mole viri turritis puppibus inſtant. Æn. 8.

The Officers in the Navy were the *Præfectus Claſſis*, or Admiral, and ſometimes the *Duumviri*, when two were join'd in Commiſſion, together with the *Trierarchus*, or Captain of a particular Ship, moſt properly of the *Trireme*; the *Gubernator*, or Maſter; the *Celeuſtes*, or Boatſwain, and others of inferiour Note.

Under the Emperours, as there were Legions eſtabliſh'd in moſt parts of the *Roman* Dominions, ſo had they conſtantly Fleets in thoſe Seas, which lay conveniently for the defence of the neigbouring Countries. As *Auguſtus* kept one Navy at *Miſenum* in the *Mare inferum*, to protect and keep in obedience *France*, *Spain*, *Mauritania*, *Egypt*, *Sardinia*, and *Sicily*: Another at *Ravenna* in the *Mare ſuperum*, to defend and bridle *Epirus*, *Macedon*, *Achaia*, *Crete*, *Cyprus*, together with all *Aſia*. Nor were their Navies only maintain'd on the Seas, but ſeveral too on the principal Rivers, as the *Germanica Claſſis* on the *Rhine*, the *Danubiana*, the *Euphratenſis*, &c. to be met with in *Tacitus*, and other Hiſtorians.

[*See Sir* Henry Savil's *Diſſertation at the end of his Tranſlation of* Tacitus.]

To this Subject of the *Roman* Shipping, we may add a very remarkable Cuſtom of ſuch as had eſcap'd a Wreck at Sea, which we find hinted at in almoſt every Place of the Poets, and often alluded to by other Authors; on which the great Modern Critick delivers himſelf to this purpoſe.

It was a Cuſtom for thoſe who had been ſav'd from a Shipwrack to have all the Circumſtances of their Adventure repreſented on a Table. Some Perſons made uſe of their Table to move the Compaſſion of thoſe that they met as they travell'd up and down; and by their Charity to repair their Fortunes, which had ſuffer'd ſo much at Sea. Theſe *Juvenal* deſcribes *Sat.* 14.

--------Mersâ rate naufragus aſſem
Dum rogat, & pictâ ſe tempeſtate tuetur.

His Veſſel ſunk, the Wretch at ſome Lane's end
A painted Storm for Farthings does extend,
And lives upon the Picture of his Loſs.

For this purpoſe, they hung the Tablet about their Necks, and kept ſinging a ſort of canting Verſes, expreſſing the manner of their Misfortunes; almoſt like the Modern Pilgrims. *Perſius Sat.* 1.

--------Cantet ſi naufragus aſſem
Protulerim? Cantas cum fractâ te in trabe pictum
Ex humero portes?

Say, ſhould a Ship-wrack'd Sayler ſing his Woe,
Wou'd I be mov'd to pity; or beſtow
An Alms? Is this your Seaſon for a Song,
When your deſpairing Phiz you bear along,
Daub'd on a Plank, and o'er your Shoulders hung?

Others hung up ſuch a Table in the Temple of the particular Deity, to whom they had addreſs'd themſelves in their Exigence, and whoſe aſſiſtance, had, as they thought, effected their ſafety. This they term'd properly *votiva Tabella. Juvenal* has a fling at the *Roman* Superſtition in this point, when he informs us, that 'twas the buſineſs of a whole Company of Painters to draw Pictures on theſe accounts form the Temple of *Iſis.*

--------Quam votivâ teſtantur Fana Tabellâ
Plurima, pictores quis neſcit ab Iſide paſci?

Such as in *Iſis* ſome may be ſurvey'd,
On Votive Tablets to the Life pourtray'd,
Where Painters are employ'd and earn their Bread.

But the Cuſtom went much farther; for the Lawyers at the Bar us'd to have the Caſe of their Client expreſs'd in a Picture, that by ſhewing his hard Fortune, and the Cruelty and Injuſtice of the adverſe Party, they might move the Compaſſion of the Judge. This *Quintilian* declares himſelf againſt, in his

fixth

ſixth Book. Nor was this all; for ſuch Perſons as had eſcap'd in any fit of Sickneſs, us'd to dedicate a Picture to the Deity whom they fanſied to have reliev'd them. And this gives us a light into the meaning of *Tibullus*, *Lib.* 1. *Eleg.* 3.

Nunc dea, nunc ſuccurre mihi; nam poſſe mederi
Picta docet Templis multa tabella tuis.

Now, Goddeſs, now thy tortur'd Suppliant heal,
For Votive Paints atteſt thy ſacred Skill.

Thus the old Chriſtians (*a*), upon any ſignal recovery of their Health, us'd to offer a ſort of Medal in Gold or Silver, on which their own Effigies was expreſs'd, in Honour of the Saint whom they thought themſelves oblig'd to for their Deliverance. And this Cuſtom ſtill obtains in the Popiſh Countries (*b*).

(*a*) *Caſaubon.* in *Perſius*, Sat. 1. v. 88. (*b*) *Dacier* on *Horace* lib. 1. Od. 5.

PART II.

BOOK V.

Miſcellany Cuſtoms of the Romans.

CHAP I.

Of the Private Sports and Games.

A Great part of the *Roman* Pomp and Superſtition was taken up in their Games and Shows, and therefore very many of their Cuſtoms have a dependance on thoſe Solemnities. But in our way, we ſhould not paſs by the private Sports and Diverſions; not that they are worth our notice in themſelves, but becauſe many Paſſages and Alluſions in Authors would otherwiſe be very difficult to apprehend.

The Private Games particularly worth our Remark are, the *Latrunculi*, the *Tali* and *Teſſeræ*, the *Pila*, the *Par impar*, and the *Trochus*.

The Game at *Latrunculi* ſeems to have been much of the ſame nature as the Modern Cheſs: The Original of it is generally referr'd to *Palamedes* his Invention at the Siege of *Troy*: Tho' *Seneca* attributes it to *Chilon*, one of the ſeven *Grecian* Sages; and ſome fanſie that *Pyrrhus* King of *Epirus* contriv'd this Sport, to inſtruct his Soldiers, after a diverting manner, in the Military Art. However, 'tis certain, it expreſſes the Chance

Chance and Order of War ſo very happily, that no place can lay ſo juſt a Claim to the Invention as the Camp. Thus the ingenious *Vida* begins his Poem on this Subject.

Ludimus effigiem belli ſimulataq; veris
Prælia, buxo acies fictas, & ludicra regna:
Ut gemini inter ſe reges, albuſq; nigerq;
Pro laude oppoſiti, certant bicoloribus armis.

Wars harmleſs Shape we ſing, and Boxen Trains
Of Youth, encountring on the *Cedar*-Plains.
How two tall Kings by different Armour known,
Traverſe the Field, and combat for Renown.

The Cheſs-men which the *Romans* us'd, were generally of Wax or Glaſs, their common Name was *Calculi*, or *Latrunculi*: The Poets ſometimes term them *Latrones*; whence *Latrunculus* was at firſt deriv'd: For *Latro* among the ancients ſignified at firſt a Servant (as the Word *Knave* in *Engliſh*) and afterwards a Soldier.

Seneca has mention'd this Play oftner, perhaps than any other *Roman* Author; particularly in one place, he has a very remarkable Story, in which he deſigns to give us an Example of wonderful Reſolution and Contempt of death; tho' ſome will be more apt to interpret it as an inſtance of inſenſible Stupidity. The Story is this: One *Canius Julius* (whom he extols very much on other Accounts) had been ſentenc'd to death by *Caligula*; the Centurion coming by with the Tribe of Malefactors, and ordering him to bear them company to execution, happen'd to find him engag'd at this Game. *Canius* upon his firſt Summons, preſently fell to counting his Men, and bidding his Antagoniſt be ſure not to brag falſly of the Victory after his death, he only deſir'd the Centurion to bear witneſs, that he had one Man upon the Board, more than his Companion; and ſo very readily join'd himſelf to the poor Wretches that were going to ſuffer (*a*).

But the largeſt and moſt accurate Account of the *Latrunculi* given us by the Ancients, is to be met with in the Poem to *Piſo*; which ſome will have to be *Ovid*'s, others *Lucan*'s, and many the Work of an unknown Author.

(*a*) *Seneca* de Tranquill. Animi. cap. 14.

The

The *Tali* and the *Teſſeræ*, by reaſon of ſo many Paſſages in Authors equally applicable to both, have often times been confounded with one another, and by ſome diſtinguiſh'd as a ſeparate Game from the *luſus aleæ*, or Dice: Whereas, properly ſpeaking, the *Greeks* and *Romans* had two ſorts of Games at Dice, the *Ludus talorum*, or play at Cockall, and the *Ludus teſſerarum*, or what we call Dice. They play'd at the firſt with four *Tali*, and at the other with three *Teſſeræ*. The *Tali* had but four ſides, mark'd with four oppoſite numbers; one ſide with a *Tres*, and the oppoſite with a *Quatre*; one with an Ace, and the contrary with a Sice. The Dice had ſix Faces, four mark'd with the ſame Numbers as the *Tali*, and the two others with a *Deux* and a *Cinque*, always one againſt the other; ſo that in both Plays, the upper Number and the lower, either on the *Talus* or *Teſſera*, conſtantly made ſeven.

There were very ſevere Laws in force againſt theſe Plays, forbidding the uſe of them at all Seaſons, only during the *Saturnalia*; tho' they gam'd ordinarily at other times, notwithſtanding the Prohibition. But there was one uſe made of them at Feaſts and Entertainments, which perhaps did not fall under the extent of the Laws; and that was to throw Dice, who ſhould command in chief, and have the power of preſcribing Rules at a Drinking Bout; whom *Horace* calls *Arbiter bibendi*.

They threw both the *Tali* and the *Teſſeræ* out of a long Box; for which they had ſeveral Names, as *Fritillum*, *Pyrgus*, *Turricula*, *Orca*, &c.

There are many odd Terms ſcatter'd up and down in Authors, by which they ſignified their fortunate and unfortunate Caſts, we may take notice of the beſt and the worſt. The beſt Caſt with the *Tali*, was when there came up four different Numbers, as *Tres*, *Quatre*, *Sice*, *Ace*: The beſt with the Dice was three *Sices*; the common Term for both, was *Venus*, or *Baſilicus*; the pooreſt caſt in both having the Name of *Canis*. *Perſius* oppoſes the *Senio* and the *Canicula* as the beſt and worſt Chances.

------Quid dexter ſenio ferret
Scire erat in votis; damnoſa canicula quantum
Raderet Auguſtæ collo non fallier Orcæ. Sat. 3.

But then my Study was to cog the Dice,
And dext'rouſly to throw the lucky *Sice*.

To

To ſhun *Ames-Ace* that ſwept my Stakes away;
And watch the Box, for fear they ſhould convey
Falſe Bones, and put upon me in the Play.

[Mr. *Dryden.*

The wiſer and ſeverer *Romans* thought this ſedentary Diverſion fit only for aged Men, who could not ſo well employ themſelves in any ſtirring Recreation. *Let them* (ſays old *Cato* in *Tully*) *have their Armour, their Horſes, and their Spears; let them take their Club and their Javelin; let them have their ſwimming Matches and their Races, ſo they do but leave us among the numerous Sports, the* Tali *and the* Teſſeræ. But the general corruption of manners made the Caſe quite otherwiſe:

Si damnoſa ſenem juvat alea, ludit & hæres
Bullatus, parvoq; eadem movet arma fritillo.

If Gaming does an aged Sire entice,
Then my young Maſter ſwiftly learns the Vice,
And ſhakes, in Hanging-ſleeves, the little Box and Dice.

Nor was it probable, that this Game ſhould be practis'd with any moderation in the City, when the Emperours were commonly profeſs'd Admirers of it. *Auguſtus* himſelf play'd unreaſonably, without any regard to the time of the Year (*a*). But the great Maſter of this Art was the Emperour *Claudius*, who, by his conſtant Practice (even as he rid about in his Chariot) gain'd ſo much Experience as to compoſe a Book on the Subject. Hence *Seneca* in his Sarcaſtical Relation of that Emperor's *Apotheoſis*; when, after a great many Adventures, he has at laſt brought him to Hell, makes the infernal Judges condemn him (as the moſt proper Puniſhment in the World) to play continually at Dice with a Box that had the bottom out; which kept him always in Hopes, and yet always baulk'd his Expectations.

Nam quoties miſſurus erat reſonante fritillo,
Utraque ſubducto fugiebat Teſſera fundo;
Cumque recollectos auderet mittere talos,
Luſuro ſimilis ſemper, ſemperq; petenti,

(*a*) *Sueton. Aug.* cap. 71.

Decepere

Decepere fidem: Refugit, digitoſq; per ipſos
Fallax aſſiduo dilabitur alea furto.
Sic cum jam ſummi tanguntur culmina montis,
Irrita Siſyphio volvuntur pondera collo.

For whenſoe'er he ſhook the Box to caſt,
The rattling Dice delude his eager haſt:
And if he try'd again, the waggiſh Bone
Inſenſibly was thro' his Fingers gone;
Still he was throwing, yet he ne'er had thrown.
So weary *Siſyphus*, when now he ſees
The welcome Top, and feeds his joyful Eyes,
Straight the rude Stone, as cruel Fate commands,
Falls ſadly down, and meets his reſtleſs Hands.

The Ancients had four ſorts of *Pilæ* or Balls us'd for Exerciſe and Diverſion. The *Follis*, or Balloon, which they ſtruck about with their Arm, guarded for that purpoſe with a woodden Bracer: Or if the Balloon was little, they us'd only their Fiſts. The *Pila Trigonalis*, the ſame as our common Balls; to play with this, there us'd to ſtand three Perſons in a Triangle, ſtriking it round from one to the other; he that firſt let it come to the Ground was the loſer (*a*). *Paganica*, a Ball ſtuff'd with Feathers, which *Martial* thus deſcribes:

Hæc quæ difficilis turget Paganica, plumâ
Tolle minùs laxa eſt, & minùs arcta pilâ.

The laſt ſort was the *Harpaſtum*, a harder kind of Ball which they play'd with, dividing into two Companies, and ſtriving to throw it through one another's Goals, which was the conquering Caſt.

The Game at *Para impar*, or Even and Odd, is not worth takeing notice of, any farther than to obſerve, that it was not only proper to the Children, as is generally fanſied: For we may gather from *Suetonius*, that it was ſometimes us'd at Feaſts and Entertainments, in the ſame manner as the Dice and Cheſs (*b*).

The *Trochus* has been often thought the ſame as the *Turbo*, or Top; or elſe of like nature with our Billiards: But both theſe

(*a*) See *Dacier* on *Horace*, Book 2. Sat. 2. (*b*) See *Sueton.* in *Aug.* cap. 71.

Opini-

Opinions are now exploded by the Curious. The *Trochus* therefore was properly a Hoop of Iron five or ſix Foot Diameter, ſet all over in the inſide with Iron Rings. The Boys and young-Men us'd to whirl this along, as our Children do the wooden Hoops, directing it with a Rod of Iron having a wooden Handle; which Rod the *Grecians* call'd ἐλατὴρ, and the *Romans Radius*. There was need of great Dexterity to guide the Hoop right. In the mean time, the Rings, by the clattering which they made, not only gave the People notice to keep out of the way, but contributed very much to the Boy's Diverſion (*a*). We muſt take care not to think this only a childiſh Exerciſe, ſince we find *Horace* ranking it with the other manly Sports.

Ludere qui neſcit, campeſtribus abſtinet armis,
Indoctuſve pilæ, diſcive, trochive quieſcit. (*b*).

(*a*) See *Dacier* on *Horace*, Book 3. Od. 24. (*b*) De Art. Poet.

CHAP II.

Of the Circenſian *Shews; and firſt of the* Pentathlum, *the Chariot-Races, the* Ludus Trojæ, *and the* Pyrrhica Saltatio.

'TIS hard to light on any tolerable Diviſion which would take in all the Publick Sports and Shews; but the moſt accurate ſeems to be that, which ranks them under two Heads, *Ludi Circenſes*, and *Ludi Scenici*: But becauſe this Diviſion is made only in reſpect of the Form and Manner of the Solemnities, and of the place of Action, there is need of another to expreſs the End and Deſign of their Inſtitution; and this may be *Ludi Sacri*, *Votivi*, and *Funebres*.

The *Circenſian* Plays may very well include the Repreſentations of Sea-fights, and Sports perform'd in the Amphitheatres: For the former were commonly exhibited in the *Circo's* fitted for that uſe; and when we meet with the *Naumachiæ*, as places diſtinct from the *Circo's*, we ſuppoſe the Structure to have been of the ſame nature. And as to the Amphitheatres, they were

were invented for the more convenient Celebration of ſome particular Shews, which us'd before to be preſented in the *Circo's*? So that in this extent of the Head, we may inform our ſelves of the *Pentathlum*, of the Chariot-Races, of the *Ludus Trojæ*, of the Shews of wild Beaſts, of the Combats of the Gladiators, and of the *Naumachiæ*.

The *Pentathlum*, or *Quinquertium*, as moſt of their other Sports, was borrow'd from the *Græcian* Games; the five Exerciſes that compos'd it were, Running, Wreſtling, Leaping, Throwing, and Boxing. The two laſt have ſomething particularly worth our notice; the former of them being ſometimes perform'd with the *Diſcus*, and the other with the *Ceſtus*. The *Diſcus*, or Quoit, was made of Stone, Iron, or Copper, five or ſix Fingers broad, and more than a Foot long, inclining to an Oval Figure: They ſent this to a vaſt diſtance, by help of a leathern Thong tied round the Perſon's Hand that threw. Several learned Men have fanſied, that inſtead of the aforeſaid Thong, they made uſe of a Twiſt or Brede of Hair; but 'tis poſſible, they might be deceiv'd by that Paſſage of *Claudian*.

Quis melius vibrata puer vertigine molli
Membra rotet? Vertat quis marmora crine ſupino?

What Youth con'd wind his Limbs with happier Care?
Or fling the Marble-Quoit with toſs'd back Hair?

Where the Poet by *Crine ſupino* intends only to expreſs the extreme Motion of the Perſon throwing; it being very natural on that account to caſt back his Head, and ſo make the Hair fly out behind him (*a*).

Homer has made *Ajax* and *Ulyſſes* both great Artiſts at this Sport: And *Ovid* when he brings in *Apollo* and *Hyacinth* playing at it, gives an elegant Deſcription of the Exerciſe.

Corpora veſte levant, & ſucco pinguis olivæ
Splendeſcunt, latiq; ineunt certamina diſci,
Quem prius aerias libratum Phœbus in auras
Miſit, & oppoſitas disjecit pondere nubes.
Decidit in ſolidam longo poſt tempore terram
Pondus, & exhibuit junctam cum viribus artem (*b*).

(*a*) See *Dacier* on *Horace*, Book 1. Od. 8. (*b*) Metamorphoſ. 10.

They

They ſtrip, and waſh their naked Limbs with Oyl,
To whirl the Quoit, and urge the ſportive Toil.
And firſt the God his well-pois'd Marble flung,
Cut the weak Air, and bore the Clouds along.
Sounding at laſt the maſſie Circle fell,
And ſhew'd his Strength a Rival to his Skill.

Scaliger, who attributes the Invention of the whole *Pentathlum* to the rude Country-People, is of Opinion, That the throwing the *Diſcus* is but an Improvement of their old Sport of caſting their Sheep-Hooks: This Conjecture ſeems very likely to have been borrow'd from a Paſſage of *Homer*:

Ὅσσον τίς τ' ἔρριψε καλαύροπα βουκόλος ἀνὴρ,
Ἣ δέ θ' ἑλισσομένη πτῆξαι διὰ βῶας ἀγελαίας,
Τόσσον παντὸς ἀγῶνος ὑπέρβαλε (*i*).

As when ſome ſturdy Hind his Sheep-hook throws,
Which, whirling, lights among the diſtant Cows;
So far the Hero caſt o'er all the Marks.

And indeed, the Judgment of the ſame Critick, that theſe Exerciſes owe their Original to the Life of Shepherds, is no more than what his admir'd *Virgil* has admirably taught him in the ſecond *Georgick*.

Ipſe dies agitat Feſtos; fuſuſq; per herbam
Ignis ubi in medio, & Socii cratera coronant,
Te libens Lenæe vocat, pecoriſq; magiſtris
Velocis jaculi certamina ponit in ulmo;
Corporaq; agreſti nudat prædura palæſtrâ.

When any Rural Holy-days invite
His Genius forth to innocent Delight;
On Earths fair Bed, beneath ſome ſacred Shade,
Amidſt his equal Friends careleſly laid,
He ſings thee, *Bacchus*, Patron of the Vine:
The Beechen Bowl foams with a flood of Wine;
Not to the loſs of Reaſon, or of Strength.
To active Games and manly Sports at length

(*a*) Iliad. Ψ.

Their Mirth aſcends; and with full Veins they ſee
Who can the beſt at better Tryals be.

[Mr. *Cowley.*

The *Ceſtus* were either a ſort of leathern Guards for the Hands, compos'd of Thongs, and commonly fill'd with lead or Iron, to add force and weight to the blow: Or, according to others, a kind of Whorlbats or Bludgeons of Wood, with Lead at one end: Tho' *Scaliger* cenſures the laſt Opinion as ridiculous; and therefore he derives the Word from χέσον, a Girdle, or Belt (*a*). This Exerciſe is moſt admirably deſcrib'd by *Virgil*, in the Combat of *Dares* and *Entellus*, *Æneid.* 5. The famous Artiſt at the *Ceſtus*, was *Eryx* of *Sicily*, overcome at laſt at his own Weapons by *Hercules*. *Pollux* to was as great a Maſter of this Art, as his Brother *Caſtor* at Encounters on Horſeback. The Fight of *Pollux* and *Amycus* with the *Ceſtus*, is excellently related by *Theocritus*, *Idyllium* 30.

The CHARIOT-RACES occur as frequently as any of the *Cricenſian* Sports. The moſt remarkable thing belonging to them, were the Factions or Companies of the Charioteers; according to which the whole Town was divided, ſome favouring one Company, and ſome another. The four ancient Companies, were the *Praſina*, the *Ruſſata*, the *Alba*, and the *Veneta*; the Green, the Red, the White, and the Sky-colour'd, or Sea-colour'd. This Diſtinction was taken from the Colour of their Liveries, and is thought to have born ſome alluſion to the four Seaſons of the Year; the firſt reſembling the Spring, when all things are Green; the next, the fiery colour of the Sun in Summer; the third the Hoar of Autumn; and the laſt, the Clouds of Winter; or elſe the fourth may be applied to Autumn, and the third to Winter. The *Praſina*, and the *Veneta* are not ſo eaſie Names as the other two; the former is derived from πράσον, *a Leek*; and the other from the *Veneti*, or the *Venetians*, a People that particularly affected that Colour. The moſt taking Company were commonly the Green, eſpecially under *Caligula Nero*, and the following Emperours; and in the time of *Juvenal*, as he hints in his eleventh Satyr, and with a finer ſtroke of his Pen, handſomly cenſures the ſtrange Pleaſure which the *Romans* took in theſe Sights.

——Mihi pace
Immenſæ nimiæq; licet ſi dicere plebis

(*a*) De Re Poetic. lib. 1. cap. 22.

Totam

Totam hodiè Romam circus capit, & fragor aurem
Percutit eventum viridis quo colligo panni:
Nam ſi deficeret; mœſtam attonitamq; videres
Hanc Urbem, veluti Cannarum in pulvere victis
Conſulibus.---------

This Day all *Rome* (if I may be allow'd,
Without Offence to ſuch a numerous Crowd,
To ſay all *Rome*) will in the *Circus* ſweat,
Echoes already to their Shouts repeat.
Methinks I hear the Cry--------*Away, away,*
The Green have won the Honour of the Day.
Oh! ſhould theſe Sports be but one Year forborn,
Rome wou'd in Tears her lov'd Diverſion mourn;
And that wou'd now a cauſe of Sorrow yield,
Great, as the loſs of *Cannæ*'s fatal Field.

[Mr. *Congreve.*

The Emperour *Domitian*, as *Suetonius* informs us, added two new Companies to the former, the *Golden*, and the *Purple* (*a*). *Xiphilin* calls them the *Golden*, and the *Silver*; but this ſeems to be a miſtake, becauſe the Silver-Liveries would not have been enough to diſtinguiſh from the White. But theſe new Companies were ſoon after laid down again by the following Emperours (*b*).

In ordinary reading, we meet only with the *Bigæ*, and the *Quadrigæ*; but they had ſometimes their *Sejuges*, *Septemjuges*, &c. And *Suetonius* aſſures us, That *Nero*, when he was a Performer in the *Olympick* Games, made uſe of a *Decemjugis*, or Chariot drawn with ten Horſes coupled together (*c*). The ſame Emperor ſometimes brought in pairs of Camels to run in the *Circo*, inſtead of Horſes (*d*). And *Heliogabalus* obliig'd Elephants to the ſame Service (*e*).

The Races were commonly ended at ſeven turns round the *Metæ*, tho' upon extraordinary occaſions, we now and then meet with fewer Heats. In like manner the uſual number of *Miſſus*, or Matches, were twenty four; tho' ſometimes a far greater number was exhibited. For *Suetonius* tells us, That the Emperour *Domitian* preſented an hundred Matches in one Day (*f*) *De la Cerda* will have us believe 'tis impoſſible this would be meant of the

(*a*) *Domitian.* cap. 7. (*b*) *Lipſ.* Com. in locum. (*c*) *Suet. Ner.* cap. 24. (*d*) Idem. cap. 11. (*e*) *Lamprid.* in *Heliogab.* (*f*) *Domit.* cap. 4.

number of the Matches; but only of the Chariots, ſo as to make no more than twenty five *Miſſus*: But his Opinion is not taken notice of by the Criticks who have commented on *Suetonius*; *Servius* (*a*) on the Verſe of *Virgil*,

Centum Quadrijugos agitabo ad flumina currus.

takes occaſion to inform us, that anciently there were always twenty five Matches of Chariots, four in every Match, ſo as to make an hundred in all. The laſt *Miſſus* was ſet out at the Charge of the People, who made a gathering for that purpoſe; and was therefore call'd *Ærarius*: But when this Cuſtom of a Supernumerary *Miſſus* was laid aſide, the Matches were no more than twenty four at a time; yet the laſt four Chariots ſtill kept the Name of *Miſſus ærarius*.

The time when theſe Races ſhould begin, was anciently given notice of by ſound of Trumpet.

But afterwards the common Sign was the *Mappa*, or Napkin hung out at the *Prætor*, or the chief Magiſtrate's Seat. Hence *Juvenal* calls the *Megalenſian* Games.

---------- *Megaliacæ Spectacula Mappæ.* Sat. 11.

The common Reaſon given for this Cuſtom is, that *Nero* being once at Dinner, and the People making a great noiſe, deſireing that the Sports might begin, the Emperour threw the Napkin he had in his Hand out of the Window, as a Token that he had granted their Requeſts (*b*).

The Victors in theſe Sports were honour'd with Garlands, Coronets, and other Ornaments, after the *Græcian* manner; and very often with conſiderable Rewards in Money: Inſomuch that *Juvenal* makes one eminent Charioteer able to buy an hundred Lawyers.

----------*Hinc centum patrimonia cauſidicorum,*
Parte aliâ ſolum ruſſati pone Lacertæ. Sat. 7.

It has been already hinted, that they reckon'd the concluſion of the Race from the paſſing by the *Meta* the ſeventh time: And this *Propertius* expreſly confirms, *Book* 2. *Eleg.* 24.

(*a*) Ad Georg. 3. (*b*) *Caſſiodor.* lib. Epiſt. 5.

Aut

Aut prius infecto depoſcit præmia curſu,
Septima quam metam triverit arte rota:

What Charioteer won'd with the Crown be grac'd,
Ere his ſeventh Wheel the mark has lightly paſs'd?

So that the greateſt Specimen of Art and Sleight appears to have been, to avoid the *Meta* handſomly when they made their turns; otherwiſe the Chariot and the Driver would come off with great Danger, as well as Diſgrace.

--------*Metaque fervidis*
Evitata rotis. Horace.

On this account 'tis that *Theocritus*, when he gives a Relation of the Exerciſes in which they inſtructed young *Hercules*, aſſigns him in this Point, as a matter of the greateſt conſequence, his own Father for his Tutor.

Ἵππους δ' ἐξελάσασθαι ὑφ' ἅρμασι καὶ σφὲ νύσσαν
Ἀσφαλέως κάμπτοντα ξυχῷ σύεργα φυλάξαι
Ἀμφιδύων ὃν παῖδα φίλα φρονέων ἐδίδασκεν
Αὐτὸς, ἐπεὶ μάλα πολλὰ θεῶν ἐξήρατ' ἀγώνων
Ἄργει ἐν ἱπποβότῳ κειμήλια καὶ οἱ ἀγεῖς
Δίφροι ἐφ' ὧν ἐπέβαινε, χρόνῳ δ' ἐλέλυσαν ἱμάντας. Εἰδυλ. κέ.

To drive the Chariot, and with ſteddy Skill
To turn, and yet not break the bending Wheel,
Amphitryo kindly did inſtruct his Son:
Great in that Art; for he himſelf had won
Vaſt precious Prizes on the *Argive* Plain:
And ſtill the Chariot which he drove remains,
Ne'er hurt i'th' Courſe, tho' time had broke the falling Reins.
[Mr. *Creech.*

They who deſire to be inform'd of the exact manner of theſe Races; which certainly was very noble and diverting, may poſſibly receive as much pleaſure and ſatisfaction from the Deſcription which *Virgil* has left us of them in ſhort, as they could expect from the ſight it ſelf.

Nonne vides? cum præcipiti certamine campum
Corripuere, ruuntque effuſi carcere currus;
Cùm ſpes arrectæ juvenum, exultantiaq; haurit
Corda pavor pulſans: Illi inſtant verbere torto,
Et proni dant lora: Volat vi fervidus axis.
Jamq; humiles, jamq; elati ſublime videntur
Aera per vacuum ferri, atq; aſſurgere in auras.
Nec mora nec requies. At fulvæ nimbus arenæ
Tollitur; humeſcunt ſpumis flatuq; ſequentum:
Tantus amor laudum, tanta eſt victoria curæ.

Haſt thou beheld, when from the Goal they ſtart
The youthful Charioteers with beating Heart,
Ruſh to the Races; and panting ſcarcely bear
Th' extremes of ſeveriſh Hope and chilling Fear;
Stoop to the Reins, and laſh with all their force;
The flying Chariot kindles in the Courſe.
And now a-low, and now a-loft they fly,
As born thro' Air, and ſeem to touch the Sky;
No ſtop, no ſtay; but Clouds of Sand ariſe,
Spurn'd and caſt backward on the follower's Eyes;
The hindmoſt blows the foam upon the firſt:
Such is the love of Praiſe; and honourable Thirſt.
[Mr. *Dryden.*

The *Troja*, or *Ludus Trojæ*, is generally referr'd to the Invention of *Aſcanius*. It was celebrated by Companies of Boys neatly dreſs'd, and furniſh'd with little Arms and Weapons, who muſter'd in the publick *Circo*. They were taken, for the moſt part, out of the nobleſt Families; and the Captain of them had the honourable Title of *Princeps Juventutis*; being ſometimes the next Heir to the Empire; and ſeldom leſs than the Son of a principal Senator. This Cuſtom is ſo very remarkable, that it would be an unpardonable Omiſſion not to give the whole Account of it in *Virgil*'s own Words; eſpecially becauſe the Poet uſing all his Art and Beauties on this Subject, as a Compliment to *Auguſtus* (a great Admirer of the Sport) has left us a moſt Divine Deſcription.

Æneid.

Æneid. 5. Ver. 545.

At pater Æneas, nondum certamine miſſo,
Cuſtodem ad ſeſe comitemq; impubis Iüli
Epytiden vocat, & fidam ſic fatur ad aurem:
Vade age: & Aſcanio, ſi jam puerile paratum
Agmen habet ſecum, curſuſq; inſtruxit equorum,
Ducat avo turmas, & ſeſe oſtendat in armis,
Dic, ait. Ipſe omnem longo decedere circo
Infuſum populum, & campos jubet eſſe patentes.
Incedunt pueri, pariterq; ante ora parentum
Frænatis lucent in equis: Quos omnis euntes
Trinacriæ mirata fremit Trojæq; juventus.
Omnibus in morem tonſa coma preſſa corona:
Cornea bina ferunt præfixa haſtilia ferro,
Pars leves humero pharetras: It pectore ſummo
Flexilis obtorti per collum circulus auri.
Tres equitum numero turmæ, terniq; vagantur
Ductores: Pueri biſſeni quemq; ſecuti,
Agmine partito fulgent, paribuſq; Magiſtris.
Una acies juvenum, ducit quam parvus ovantem
(Nomen avi referens) Priamus, tua clara, Polite,
Progenies, auctura Italos: Quem Thracius albis
Portat equus bicolor maculis: Veſtigia primi
Alba pedis, frontemq; oſtentans arduus albam.
Alter Atys, genus unde Atti duxere Latini:
Parvus Atys, pueroq; puer dilectus Iülo.
Extremus, formaq; ante omnes pulcher Iülus
Sidonio eſt invectus equo: Quem candida Dido
Eſſe ſui dederat monumentum & pignus amoris.
Cætera Trinacrii pubes ſenioris Aceſtæ
Fertur equis.
Excipiunt plauſu pavidos, gaudentq; tuentes
Dardanidæ, veterumq; agnoſcunt ora parentum.
Poſtquam omnes læti conceſſum oculoſq; ſuorum
Luſtravere in equis: ſignum clamore paratum
Epytides longè dedit, inſonuitq; flagello.
Olli diſcurrere pares, atq; agmina terni
Diductis ſolvere choris: Rurſuſq; vocati
Convertere vias, infeſtaq; tela tulere.
Inde alios ineunt curſus, alioſq; recurſus,

Adverſis ſpatiis : Alternoſq; orbibus orbes
Impediunt, pugnæq; cient ſimulachra ſub armis :
Et nunc terga fugæ nudant, nunc ſpicula vertunt
Infenſi, factâ pariter nunc pace feruntur :
Ut quondam Cretâ fertur Labyrinthus in altâ
Parietibus textum cæcis iter, ancipitemq;
Mille viis habuiſſe dolum, qua ſigna ſequendi
Falleret indepreníus & irremeabilis error.
Haud aliter Teucrûm nati veſtigia curſu
Impediunt, texuntq; fugas & prælia ludo:
Delphinum ſimiles, qui per maria humida nando
Carpathium Libycumq; ſecant, luduntq; per undas.
Hunc morem, hos curſus atq; hæc certamina primus
Aſcanius, longam muris cum cingeret Albam,
Rettulit, & priſcos docuit celebrare Latinos,
Quo puer ipſe modo, ſecum quo Troïa pubes,
Albani docuere ſuos : hinc maxima porro
Accepit Roma, & patrium ſervavit honorem :
Trojaq; nunc pueri, Trojanum dicitur agmen.

But Prince *Æneas*, ere the Games were done,
Now call'd the wiſe Inſtructor of his Son,
The good *Epytides*, whoſe faithful Hand
In noble Arts the blooming Hero train'd :
To whom the Royal Chief his Will declar'd,
Go bid *Aſcanius* if he ſtands prepar'd,
To march his youthful Troops, begin the Courſe,
And let his Grandſire's Shade commend his growing Force.
Thus he ; and order'd ſtraight the ſwarming Tide
To clear the *Circo* ; when from every ſide
Crowds bear back Crowds, and leave an open ſpace,
Where the new Pomp in all its Pride might paſs.
The Boys move on, all glittering lovely bright,
On well-rein'd Steeds in their glad Parents ſight.
Wondring, the *Trojan* and *Sicilian* Youth
Crown with Applauſe their Virtue's early growth.
Their flowing Hair cloſe flowry Chaplets grace,
And two fair Spears their eager Fingers preſs.
Part bear light Quivers, on their Shoulders hung,
And Twiſts of bending Gold lie wreath'd along
Their Purple Veſt ; which at the Neck begun,
And down their Breaſts in ſhining Circles run.

Three lovely Troops three beauteous Captains led,
And twice ſix Boys each hopeful Chief obey'd.
The firſt gay Troop young *Priam* marſhal's on,
Thy Seed, *Polites*, not to Fame unknown,
That with *Italian* Blood ſhall join his own:
Whoſe kinder Genius ripening with his Years,
His wretched Grandſire's Name to better Fortune bears.
A *Thracian* Steed with Spots of ſpreading White
He rode, that paw'd, and crav'd the promis'd Fight.
A lovely White his hither Fetlocks ſtains;
And White his high erected Forehead ſhines.
And next with ſtately pace young *Atys* mov'd,
Young *Atys*, by the young *Aſcanius* lov'd.
From his great Line the noble *Attian* Stemm,
In *Latium* nurs'd, derive their ancient Name.
The third with his Command *Aſcanius* grac'd;
Whoſe Godlike Looks his Heavenly Race confeſs'd;
So beautiful, ſo brave, he ſhone above the reſt.
His ſprightly Steed from *Sidon*'s Paſtures came,
The noble Gift of the fair *Tyrian* Dame,
And fruitleſs Pledge of her unhappy Flame.
The reſt *Sicilian* Courſers all beſtrode
Which old *Aceſtes* on his Gueſts beſtow'd.
Them hot with beating Hearts, the *Trojan* Crew
Receive with Shouts; and with freſh Pleaſure view;
Dicovering in the Lines of every Face
Some venerable Founder of their Race.
And now the youthful Troops their Round had made,
Panting with joy, and all the Crowd ſurvey'd;
When ſage *Epytides*, to give the Sign
Clack'd his long Whip, and made the Courſe begin.
At once they ſtart, and ſpur with artful ſpeed,
'Till in three Troops the little Chiefs divide
The cloſe Battalion: Then at once they turn,
Commanded back; while, from their Fingers born,
Their hoſtile Darts aloft upon the Wind
Fly ſhivering. Then in circling Numbers join'd,
The manag'd Courſers with due meaſures bound,
And run the rapid Ring, and trace the mazy Round.
Files facing Files, their bold Companions dare,
And Wheel, and Charge, and urge the ſportive War.

Now Flight they feign, and naked Backs expoſe:
Now with turn'd Spears drive headlong on the Foes;
And now, Confederate grown, in peaceful Ranks they cloſe.
As *Crete*'s fam'd *Labyrinth* to thouſand Ways,
And thouſand darken'd Walls the Gueſt conveys;
Endleſs, inextricable Rounds amuſe,
And no kind Track the doubtful Paſſage ſhews.
So the glad *Trojan* Youth their winding Courſe
Sporting purſue; and charge the Rival Force.
As ſprightly Dolphins in ſome calmer Road
Play round the ſilent Waves, and ſhoot along the Flood.
Aſcanius, when (the rougher Storms o'er-blown)
With happier Fates he rais'd fair *Alba*'s Town;
This youthful Sport, this ſolemn Race renew'd,
And with new Rites made the plain *Latines* proud.
From *Alban* Sires th' Hereditary Game
To matchleſs *Rome* by long Succeſſion came:
And the fair Youth in this Diverſion train'd,
Troy they ſtill call, and the brave *Trojan* Band.

Lazius in his Commentaries *de Repub. Romana* fanſies the Juſts and Tournaments, ſo much in faſhion about two or three hundred Years ago, to have ow'd their Original to this *Ludus Trojæ*; and that *Torniamenta* is but a Corruption of *Trojamenta*. And the learned and noble *Du Freſne* acquaints us, that many are of the ſame Opinion. However, tho' the Word may perhaps be deriv'd with more probability from the *French*, *Tourner*, to turn round with Agility; yet the Exerciſes have ſo much reſemblance as to prove the one an Imitation of the other.

The *Pyrrhice*, or *Saltatio Pyrrhica*, is commonly believ'd to be the ſame with the Sport already deſcrib'd. But beſides that none of the Ancients have left any tolerable Grounds for ſuch a Conjecture, it will appear a different Game if we look a little into its Original, and on the manner of the performance. The Original is, by ſome, referr'd to *Minerva*, who led up a Dance in her Armour after the Conqueſt of the *Titans*: By others, to the *Curetes*, or *Corybantes*, *Jupiter*'s Guard in his Cradle; who leap'd up and down, claſhing their Weapons, to keep old *Saturn* from hearing the Cries of his Infant-Son. *Pliny* attributes the Invention to *Pyrrhus*, Son to *Achilles*, who inſtituted ſuch a Company of Dancers at the Funeral of his Father (*a*). How-

(*a*) Nat. Hiſt. lib. 57.

ever,

ever, that it was very ancient is plain from *Homer*; who, as he hints at it in ſeveral Deſcriptions, ſo particularly he makes the exact form and manner of it to be engrav'd on the Shield of *Achilles*, given him by *Vulcan*. The manner of the performance ſeems to have conſiſted chiefly in the nimble turning the Body, and ſhifting every Part, as if it were done to avoid the ſtroke of any Enemy: And therefore this was one of the Exerciſes in which they train'd the young Soldiers. *Apuleius* deſcribes a *Pyrrhick* Dance perform'd by young Men and Maids together (*a*); which only would be enough to diſtinguiſh it from the *Ludus Trojæ*. The beſt account we meet with of the *Pyrrhick* Dance is in *Claudian*'s Poem on the ſixth Conſulſhip of *Honorius*.

Armatos hic ſæpe choros, certâq; vagandi
Textus lege fugas, inconfuſoq; recurſus,
Et pulchras errorum artes, jucundaq; Martis
Cernimus: Inſonuit cùm verbere ſigna magiſter
Mutatoſq; edunt pariter tot pectora motus,
In latus alliſis clypeis, aut rurſus in altum
Vibratis: Grave parma ſonat mucronis acuti
Verbere, & umbonum pulſu modulante reſultans
Ferreus alterno concentus clauditur enſe.

Here too the Warlike Dancers bleſs our ſight,
Their artful wandring, and their laws of flight,
And unconfus'd return, and inoffenſive fight.
Soon as the Maſter's *Clack* proclaim's the prize,
Their moving Breaſts in tuneful Changes riſe;
The Shields ſalute their ſides, or ſtraight are ſhown
In Air high waving; deep the Targets groan
Struck with alternate Swords, which thence rebound,
And end the Conſort and the ſacred Sound.

The moſt ingenious Mr. *Cartwright*, Author of the *Royal-Slave*, having occaſion to preſent a Warlike-Dance in that peice, took the meaſures of it from this Paſſage of *Claudian*'s, as the moſt exact pattern Antiquity had left. And in the Printed Play, he has given no other deſcription of that Dance, than by ſetting down the Verſes, whence it was Copied.

Julius Scaliger tell's us of himſelf, that, while a Youth, he had often danc'd the *Pyrrhick* before the Emperor *Maximilian*

(*a*) *Mileſiar.* lib. 10.

to

to the amazement of all *Germany*: And that the Emperor was once ſo ſurpriz'd at his warlike activity, as to cry out, *This Boy, either was born in a Coat of Mail inſtead of a Skin, or elſe has been rock'd in one inſtead of a Cradle (a).*

(a) Poet. lib. 1. cap. 18.

CHAP. III.

Of the Shews of Wild Beaſts, and of the Naumachiæ.

THE Shews of Beaſts were in general deſign'd for the Honour of *Diana* the Patroneſs of Hunting. For this purpoſe, no Coſt was ſpar'd to fetch the moſt different Creatures from the fartheſt Parts of the World: Hence *Claudian*,

--------Ratibus pars ibat onuſtis
Per freta, vel fluvios; exanguis dextera torpet
Remigis, & propriam metuebat navita mercem.

--------Part in laden Veſſels came,
Born on the rougher Waves, or gentler Stream;
The fainting Slave let fall his trembling Oar;
And the pale Maſter fear'd the Freight he bore.

And preſently after,

-------- Quodcunque tremendum eſt
Dentibus, aut inſigne jubis, aut nobile cornu,
Aut rigidum ſetis capitur, decus omne timorque
Sylvarum, non caute latent, non mole reſiſtunt.

All that with potent Teeth command the Plain,
All that run horrid with erected Mane,
Or proud of ſtately Horns, or briſtling Hair
At once the Foreſt's Ornament and Fear;

Born

Born from their Deſarts by the *Roman* Power,
Nor ſtrength can ſave nor craggy Dens ſecure.

Some Creatures were preſented meerly as ſtrange Sights and Rarities, as the Crocodiles, and ſeveral outlandiſh Birds and Beaſts; others for the Combat, as Lyons, Tygers, Leopards, *&c.* other Creatures, either purely for delight, or elſe for the uſe of the People, at ſuch times as they were allow'd the liberty of catching what they could for themſelves; as Hares, Deer, and the like. We may reckon up three ſorts of Diverſions with the Beaſts, which all went under the common Name of *Venatio*; the firſt when the People were permitted to run after the Beaſts, and catch what they could for their own uſe; the ſecond when the Beaſts fought with one another; and the laſt when they were brought out to engage with Men.

When the People were allow'd to lay hold on what they could get, and carry off for their own uſe, they call'd it *Venatio direptionis*: This ſeems to have been an Inſtitution of the later Emperours. It was many times preſented with extraordinary Charge, and great variety of contrivances: The middle part of the *Circo* being ſet all over with Trees, remov'd thither by main force, and faſten'd to huge Planks, which were laid on the Ground; theſe being cover'd with Earth and Turf, repreſented a natural Foreſt; into which the Beaſts being let from the *Caveæ*, or Dens under ground, the People, at a Sign given by the Emperour, fell to hunting them, and carry'd away what they kill'd to regale upon at home. The Beaſts uſually given, were Boars, Deer, Oxen, and Sheep. Sometimes all kinds of Birds were preſented after the ſame manner.

The Fights between Beaſts were exhibited with great Variety; ſometimes we find a Tyger match'd with a Lyon; ſometimes a Lyon with a Bull; a Bull with an Elephant, a Rhinoceros with a Bear, *&c.* Sometimes we meet with Deer hunted on the *Arena* by a pack of Dogs. But the moſt wonderful Sight was, when by bringing the Water into the Amphitheatre, huge Sea-Monſters were introduc'd to combat with Wild Beaſts.

Nec nobis tantùm ſylveſtria cernere monſtra
Contigit, æquoreos ego cum certantibus urſis
Spectavi vitulos. Calphurn. Eclog. 7.

Nor

Nor Sylvan Monſters we alone have view'd,
But huge Sea-Calves dy'd red with hoſtile Blood
Of Bears, lie floundring in the wond'rous Flood.

The Men that engag'd with Wild Beaſts had the common Name of *Beſtiarii*: Some of theſe were condemn'd Perſons, and have been taken notice of in another place (*a*): Others hired themſelves at a ſet pay, like the *Gladiators*; and, like them too, had their Schools where they were inſtructed and initiated in ſuch Combats. We find ſeveral of the Nobility and Gentry many times voluntarily undertaking a part in theſe Encounters. And *Juvenal* acquaints us, that the very Women were ambitious of ſhewing their Courage on the like occaſions, tho' with the Forfeiture of their Modeſty.

Cùm----------*Mœvia Tuſcum*
Figat aprum, & nudâ teneat venabula mammâ. Sat. 1.

Or when with naked Breaſt the manniſh Whore
Shakes the broad Spear againſt the *Tuſcan* Boar.

And *Martial* compliments the Emperour *Domitian* very handſomly on the ſame account.

Belliger invictũ quòd Mars tibi ſævit in armis,
Non ſats eſt, Cæſar, ſævit & ipſa Venus.
Proſtratum vaſtâ Nemees in valle leonem
Nobile & Herculeum fama canebat opus.
Priſca fides taceat: Nam poſt tua munera, Cæſar,
Hæc jam fœminea vidimus acta manu.

Not *Mars* alone his bloody Arms ſhall wield;
Venus, when *Cæſar* bids, ſhall take the Field,
Nor only wear the Breeches, but the Shield.
The ſavage Tyrant of the Woods and Plain,
By *Hercules* in doubtful Combat ſlain,
Still fills our Ears with the *Nemæan* Vale,
And muſty Rolls the mighty Wonder tell:
No wonder now; for *Cæſar*'s Reign has ſhown
A Woman's equal Power; the ſame Renown
Gain'd by the Diſtaff which the Club had won.

(*a*) Book 3. chap. 20.

Thoſe

Thoſe who cop'd on plain Ground with the Beaſts, commonly met with a very unequal Match; and therefore, for the moſt part, their ſafety conſiſted in the nimble turning of their Body, and leaping up and down to delude the force of their Adverſary. Therefore *Martial* may very well make a Hero of the Man who ſlew twenty Beaſts, all let in upon him at once, tho' we ſuppoſe them to have been of the inferiour kind.

Herculeæ laudis numeretur gloria: plus eſt
Bis denas pariter perdomuiſſe feras.

Count the twelve Feats that *Hercules* has done;
Yet twenty make a greater, join'd in one.

But becauſe this way of engaging commonly prov'd ſucceſful to the Beaſts, they had other ways of dealing with them; as by aſſailing them with Darts, Spears, and other miſſive Weapons, from the higher parts of the Amphitheatre, where they were ſecure from their reach; ſo as by ſome means or other they commonly contriv'd to diſpatch three or four hundred Beaſts in one Shew.

In the Shew of Wild Beaſts exhibited by *Julius Cæſar* in his third Conſulſhip, twenty Elephants were oppos'd to five hundred Footmen; and twenty more with Turrets on their Backs, ſixty Men being allow'd to defend each Turret, engag'd with five hundred Foot, and as many Horſe (*a*).

The *NAUMACHIÆ* owe their Original to the time of the firſt *Punick* War, when the *Romans* firſt initiated their Men in the knowledge of Sea-Affairs. After the improvement of many Years they were deſign'd as well for the gratifying the Sight; as for encreaſing their Naval Experience and Diſcipline; and therefore compos'd one of the ſolemn Shews, by which the Magiſtrates or Emperours, or any Affecters of Popularity ſo often made their Court to the People.

The uſual Accounts we have of theſe Exerciſes, ſeem to repreſent them as nothing elſe but the Image of a Naval Fight. But 'tis probable that ſometimes they did not engage in any hoſtile manner, but only row'd fairly for the Victory. This Conjecture may be confirm'd by the Authority of *Virgil*; who is acknowledg'd by all the Criticks in his Deſcriptions of the Games and Exerciſes, to have had an Eye always on his own Country;

(*a*) *Plin.* Nat. Hiſt. lib. 8. cap. 7.

and

and to have drawn them after the manner of the *Roman* Sports. Now the Sea-contention which he preſents us with, is barely a trial of Swiftneſs in the Veſſels, and of Skill in managing the Oars; as it is moſt admirably deliver'd in his fifth Book:

Prima pares ineunt gravibus certamina remis
Quatuor ex omni delectæ claſſe carinæ, &c.

The moſt celebrated *Naumachiæ*, were thoſe of the Emperour *Domitian*; in which were engag'd ſuch a vaſt number of Veſſels as would have almoſt form'd two compleat Navies (*a*) for a proper Fight; together with a proportionable Channel of Water, equalling the Dimenſions of a natural River. *Martial* has a very genteel turn on this Subject.

Si quis ades longis ſerus ſpectator ab orbe,
Cui lux prima ſacri munera iſta dies,
Ne te decipiat ratibus navalis Enyo,
Et par unda freti: hîc modò terra fuit.
Non credis? Spectes dum laxent æquora Martem:
Parva mora eſt; dices hîc modò pontus erat.

Stranger, who e'er from diſtant parts arriv'd,
But this one ſacred Day in *Rome* has liv'd:
Miſtake not the wide Flood, and pompous Shew
Of Naval Combats: Here was Land but now.
Is this beyound your Credit? Only ſtay
'Tis from the Fight the Veſſels bear away;
You'll cry with wonder, Here but now was Sea!

'Tis related of the Emperour *Heliogabalus*, that in a Repreſentation of a Naval Fight he fill'd the Channel, where the Veſſels were to ride, with Wine inſtead of Water (*b*). A Story ſcarce credible, tho' we have the higheſt Conceptions of his prodigious Luxury and Extravagance.

(*a*) *Sueton. in Domit.* cap. 4. (*b*) *Lampridius* in Heliogab.

CHAP.

CHAP. IV.

Of the GLADIATORS.

THE firſt riſe of the *Gladiators* is referr'd to the ancient Cuſtom of killing Perſons at the Funerals of great Men. For the old Heathens fanſying the Ghoſts of the deceas'd to be ſatisfied, and rendred propitious by Human Blood, at firſt they us'd to buy Captives, or untoward Slaves, and offer'd them at the Obſequies. Afterwards they contriv'd to veil over their impious Barbarity with the ſpecious Shew of Pleaſure, and voluntary Combat; and therefore training up ſuch Perſons as they had procur'd in ſome tolerable knowledge of Weapons, upon the Day appointed for the Sacrifices to the departed Ghoſts, they oblig'd them to maintain a mortal Encounter at the Tombs of their Friends. The firſt ſhew of *Gladiators* * exhibited at *Rome*, was that of *M.* and *D. Brutus*, upon the death of their Father, *A. U. C.* 490. in the Conſulſhip of *Ap. Claudius*, and *M. Fulvius* (*a*).

* *Munus Gladiatorium.*

Within a little time, when they found the People exceedingly pleas'd with ſuch bloody Entertainments; they reſolv'd to give them the like Diverſion as often as poſſible; and therefore it ſoon grew into a Cuſtom, that not only the Heir of any great or rich Citizen newly deceas'd, but that all the principal Magiſtrates ſhould take occaſions to preſent the People with theſe Shews, in order to procuring their Eſteem and Affection. Nay, the very Prieſts were ſometimes the Exhibitors of ſuch impious Pomps; for we meet with the *Ludi Pontificales* in *Suetonius* (*b*). and with the *Ludi Sacerdotales* in *Pliny* (*c*).

As for the Emperours, it was ſo much their Intereſt to ingratiate themſelves with the Commonalty, that they oblig'd them with theſe Shews almoſt upon all occaſions: As on their Birth-day; at the time of a Triumph, or after any ſignal Victory; at the Conſecration of any publick Ædifices; at the Games which ſeveral of them inſtituted, to return in ſuch a term of Years; with many others, which occur in every Hiſtorian.

(*a*) *Val. Max.* lib. 2. cap. 4. (*b*) *Auguſt.* cap. 44. (*c*) Epiſt. lib. 7.

And

And as the occaſions of theſe Solemnities were ſo prodigiouſly encreas'd, in the ſame manner was the length of them, and the number of the Combatants. At the firſt Shew exhibited by the *Bruti*, 'tis probable there were only three pair of *Gladiators*; as may be gather'd from that of *Auſonius*.

Tres primas Thracum pugnas, tribus ordine bellis,
Juniadæ patrio inferias miſere Sepulchro.

Yet *Julius Cæſar* in his Ædileſhip preſented three hundred and twenty Pair (*a*). The excellent *Titus* exhibited a Shew of *Gladiators*, wild Beaſts, and Repreſentations of Sea-fights an hundred Days together (*b*): And *Trajan*, as averſe from Cruelty as the former, continu'd a Solemnity of this nature an hundred and tweenty three Days, during which he brought out a thouſand pair of *Gladiators* (*c*). Two thouſand Men of the ſame Profeſſion were liſted by the Emperour *Otho* to ſerve againſt *Vitellius* (*d*). Nay, long before this, they were ſo very numerous, that in the time of the *Catilinarian* Conſpiracy, an Order paſs'd, to ſend all the *Gladiators* up and down into the Garriſons, for fear they ſhould raiſe any diſturbance in the City (*e*), by joining with the diſaffected Party. And *Plutarch* informs us, that the famous *Spartacus*, who at laſt gather'd ſuch a numerous Force as to put *Rome* under ſome unuſal Apprehenſions, was no more than a *Gladiator*; who, breaking out from a Shew at *Verona*, with the reſt of his Gang, dar'd proclaim War againſt the *Roman* State (*f*).

In the mean time, the wiſer and the better *Romans* were very ſenſible of the dangerous Conſequence, which a Corruption of this nature might produce; and therefore *Cicero* preferr'd a Law, That no Perſon ſhould exhibit a Shew of *Gladiators* within two Years before he appear'd Candidate for an Office (*g*). *Julius Cæſar* order'd, that only ſuch a number of Men of this Profeſſion ſhould be in *Rome* at a time (*h*). *Auguſtus* decreed that only two Shews of *Gladiators* ſhould be preſented in a Year, and and never above ſixty pair of Combatants in a Shew (*i*). *Tiberius* provided by an Order of Senate, That no Perſon ſhould have the privilege of gratifying the People with ſuch a Solemnity, unleſs he was worth four hundred thouſand *Seſterces* (*k*).

(*a*) *Plutarch.* in *Cæſar.* (*b*) *Dio.* lib. 66. (*c*) *Dio.* lib. 68. (*d*) *Tacitus.* (*e*) *Saluſt. Catilin.* (*f*) *Plutarch.* in *Craſſ.* (*g*) *Cicero* in *Vatin.* (*h*) *Suet. Cæſ.* cap. 10. (*i*) *Dio.* (*k*) *Tacit.* An. 4.

Nerva in a great meaſure regulated this Affair, after the many Abuſes of the former Emperours: But the Honour of entirely removing this Barbarity out of the *Roman* World was reſerv'd for *Conſtantine* the Great; which he perform'd about the Year of the City 1067. nigh ſix hundred Years after their firſt inſtitution. Yet under *Conſtantius*, *Theodoſius*, and *Valentinian* the ſame cruel Humour began to revive, 'till a final ſtop was put to it by the Emperour *Honorius*; the occaſion of which is given at large by the Authors of Eccleſiaſtical Hiſtory.

Thus much may be proper to obſerve in general, concerning the Original, Increaſe, and Reſtraint of this Cuſtom. For our farther information, it will be neceſſary to take particular notice of the Condition of the *Gladiators*; of their ſeveral Orders or Kinds; and of their manner of Duelling.

As for their Condition, they were commonly Slaves or Captives: For 'twas an ordinary Cuſtom to ſell a diſobedient Servant to the *Laniſtæ*, or the Inſtructors of the *Gladiators*, who after they had taught them ſome part of their Skill, let them out for Money at a Shew. Yet the Freemen ſoon put in for a ſhare of this Privilege to be kill'd in Jeſt; and accordingly many times offer'd themſelves to hire for the Amphitheatre; whence they had the Name of *Auctorati*. Nay, the Knights and Noblemen, and even the Senators themſelves at laſt were not aſham'd to take up the ſame Profeſſion; ſome to keep themſelves from ſtarving, after they had ſquander'd away their Eſtates; and others to curry favour with the Emperours: So that *Auguſtus* was forc'd to command by a publick Edict, that none of the Senatorian Order ſhould turn *Gladiators* (*a*): And ſoon after, he laid the ſame reſtraint on the Knights (*b*). Yet theſe Prohibitions were ſo little regarded by the following Princes, that *Nero* preſented at one Shew (if the numbers of *Suetonius* are not corrupted) 400 Senators, and 600 of the *Equeſtrian* Rank (*c*).

But all this will look like no wonder, when, upon a farther ſearch, we meet with the very Women engaging in theſe publick Encounters; particularly under *Nero* and *Domitian*. *Juvenal* has expos'd them very handſomly for this manniſh Humour in his ſixth Satyr.

(*a*) *Dio.* lib. 48. (*b*) *Sueton. Aug.* cap. 43. *Dio. lib.* 54. (*c*) Idem. *Ner.* cap. 12.

Quale decus rerum ſi conjugis auctio fiat,
Balteus & manicæ, & criſtæ, cruriſq; ſiniſtri
Dimidium tegmen? vel ſi diverſa movebit
Prælia, tu fœlix ocreas, vendente puellâ.
Hæ ſunt quæ tenui ſudant in cyclade, quarum
Delicias & panniculus bombycinus urit.
Adſpice quo fremitu monſtratos perferat ictus,
Et quanto galeæ curvetur pondere; quanta
Poplitibus ſedeat, quàm denſo faſcia libro!

Oh! what a decent ſight 'tis to behold
All thy Wife's Magazine by Auction ſold!
The Belt, the creſted Plume, the ſeveral Suits
Of Armour, and the *Spaniſh*-Leather Boots!
Yet theſe are they that cannot bear the heat
Of figur'd Silks, and under Sarcenet ſweat.
Behold the ſtrutting *Amazonian* Whore,
She ſtands in Guard with her Right Foot before:
Her Coats tuck'd up; and all her Motions juſt:
She ſtamps, and then cries hah! at every thruſt.

[Mr. *Dryden.*

Yet the Women were not the moſt inconſiderable Performers, for a more ridiculous ſet of Combatants are ſtill behind, and theſe were the Dwarfs; who encountring one another, or the Women, at theſe publick Diverſions, gave a very pleaſant Entertainment. *Statius* has left us this elegant Deſcription of them.

His audax ſubit ordo pumilorum,
Quos natura brevi ſtatu peracto
Nodoſum ſemel in globum ligavit.
Edunt vulnera, conſerunt q; dextras,
Et mortem ſibi quâ manu minentur.
Ridet Mars pater & cruenta Virtus;
Caſſuræq; vagis grues rapinis
Mirantur pumilos ferociores.

To mortal Combat next ſucceed
Bold Fencers of the *Pygmy* breed;
Whom Nature, when ſhe half had wrought,
Not worth her farther labour thought,
But clos'd the reſt in one hard Knot.

With

With what a Grace they drive their blow,
And ward their Jolt-head from their Foe?
Old *Mars* and rigid *Virtue* ſmile
At their redoubted Champion's toil.
And Cranes, to pleaſe the Mob let fly,
Admire to ſee their Enemy,
So often by themſelves o'ercome
Inſpir'd with nobler Hearts at *Rome*.

The ſeveral kinds of *Gladiators* worth obſerving, were the *Retiarii*, the *Secutores*, the *Myrmillones*, the *Thracians*, the *Samnites*, the *Pinnirapi*, the *Eſſedarii*, and the *Andabatæ*: But before we enquire particularly into the diſtinct Orders, we may take notice of ſeveral Names attributed in common to ſome of every kind, upon various occaſions. Thus we meet with the *Gladiatores Meridiani*, who engag'd in the Afternoon, the chief part of the Shew being finiſh'd in the Morning. *Gladiatores Fiſcales*, thoſe who were maintain'd out of the Emperour's *Fiſcus*, or private Treaſury; ſuch as *Arrian* calls καίσαρος μονομάχες, *Cæſar's Gladiators*: *Gladiatores Poſtulatitii*, commonly Men of great Art and Experience, whom the People particularly deſir'd the Emperour to produce, *Gladiatores Catervarii*, ſuch as did not fight by Pairs, but in ſmall Companies: *Suetonius* uſes *catervarii pugiles* in the ſame Sence (*a*). *Gladiatores ordinarii*, ſuch as were preſented according to the common manner, and at the uſual time, and fought the ordinary way; On which account, they were diſtinguiſh'd from the *Catervarii*, and the *Poſtulatitii*.

As for the ſeveral kinds already reckon'd up, they ow'd their diſtinction to their Country, their Arms, their way of Fighting, and ſuch Circumſtances; and may be thus, in ſhort, deſcrib'd:

The *Retiarius* was dreſs'd in a ſhort Coat, having a *Tuſcina* or Trident in his Left-Hand, and a Net in his Right; with which he endeavour'd to entangle his Adverſary; and then with his Trident might eaſily diſpatch him. On his Head he wore only a Hat tied under his Chin with a broad Ribbon. The *Secutor* was arm'd with a Buckler, and a Helmet, whereon was the Picture of a Fiſh, in alluſion to the Net. His Weapon was a Seymetar, or *Falx ſupina*. He was call'd *Secutor*, becauſe if the *Retiarius*, againſt whom he was always match'd,

(*a*) *Aug.* cap. 45.

ſhould happen to fail in caſting his Net, his only ſafety lay in flight; ſo that in this caſe he ply'd his Heels as faſt he could about the place of Combat, 'till he had got his Net in order for a ſecond throw: In the mean time this *Secutor*, or Follower, purſu'd him, and endeavour'd to prevent his deſign. *Juvenal* is very happy in the Account he gives us of a young Nobleman that ſcandalouſly turn'd *Retiarius* in the Reign of *Nero*: Nor is there any relation of this ſort of Combat ſo exact in any other Author.

——————————————*Et illic*
Dedecus urbis habes: nec myrmillonis in armis
Nec clypeo Gracchum pugnantem & falce ſupinâ,
(Damnat enim tales habitus, ſed damnat & odit,)
Nec galeâ faciem abſcondit; movet ecce tridentem,
Poſtquam librată pendentia retia dextrâ
Nequicquam effudit, nudum ad ſpectacula vultum
Erigit, & totâ fugit agnoſcendus arenâ.
Credamus tunicæ, de faucibus aurea cùm ſe
Porrigat, & longo jactetur ſpira galero.
Ergo ignominiam graviorem pertulit omni
Vulnere, cum Graccho juſſus pugnare ſecutor. Sat. 8.

Go to the Liſts where Feats of Arms are ſhown,
There you'll find *Gracchus* (from Patrician) grown
A Fencer, and the ſcandal of the Town.
Nor will he the *Myrmillo*'s Weapons bear,
The *modeſt Helmet* he diſdains to wear.
As *Retiarius* he attacks his Foe:
Firſt waves his *Trident* ready for the throw,
Next caſts his *Net*, but neither levell'd right,
He ſtares about, expos'd to publick ſight,
Then places all his ſafety in his flight.
Room for the noble *Gladiator!* ſee
His Coat and Hatband ſhow his Quality.
Thus when at laſt the brave *Myrmillo* knew
'Twas *Gracchus* was the Wretch he did purſue,
To conquer ſuch a Coward griev'd him more,
Than if many glorious Wounds had bore.

[Mr. *Stepney.*

Here the Poet ſeems to make the *Myrmillo* the ſame as the *Secutor*; and thus all the Comments explain him. Yet *Lipſi-*

us

us will have the *Myrmillones* to be a diſtinct Order, who fought compleatly arm'd; and therefore he believes them to be the *Crupellarii* of *Tacitus* (*a*); ſo call'd from ſome old *Gallick* Word, expreſſing that they could only creep along by reaſon of their heavy Armour.

The *Thracians* made a great part of the choiceſt *Gladiators*, that Nation having the general repute of Fierceneſs and Cruelty beyond the reſt of the World. The particular Weapon they us'd was the *Sica*, or Fauchion; and their defence conſiſted in a *Parma*, or little round Shield, proper to their Country.

The Original of the *Samnite* Gladiators is given us by *Livy*; The *Campanians* (ſays he) bearing a great hatred to the *Samnites*, they arm'd a part of their Gladiators after the faſhion of that Country, and call'd them *Samnites* (*b*). What theſe Arms were, he tells us in another place: They wore a Shield broad at the top, to defend the Breaſt and Shoulders, and growing more narrow toward the bottom, that it might be mov'd with the greater Convenience. They had a ſort of Belt coming over their Breaſt, a Greave on their Left Foot, and a creſted Helm on their Heads. Whence it is plain, that the Deſcription of the *Amazonian* Fencer already given from *Juvenal*, is expreſly meant of aſſuming the Armour and Duty of a *Samnite* Gladiator.

Balteus & manicæ, & criſtæ, cruriſq; ſiniſtri
Dimidium tegmen.

The *Pinnæ*, which adorn'd the *Samnite*'s Helmet denominated another ſort of Gladiators, *Pinnirapi*; becauſe, being match'd with the *Samnites*, they us'd to catch at thoſe *Pinnæ*, and bear them off in Triumph, as marks of their Victory. Dr. *Holyday* takes the *Pinnirapus* to be the ſame as the *Retiarius* (*c*).

Lipſius fanſies the *Provocatores*, mention'd by *Cicero* in his Oration for *Peſtius*, to have been a diſtinct Species, and that they were generally match'd with the *Samnites*. Though perhaps the Words of *Cicero* may be thought not to imply ſo much.

The *Hoplomachi*, whom we meet with in *Seneca* (*d*) and *Suetonius* (*e*), may probably be the ſame either with the *Samnites*, or the *Myrmillones*; call'd by the Greek Name ὁπλομάχοι, becauſe they fought in Arms.

(*a*) Annal. 3. (*b*) Lib. 9. (*c*) Illuſtration on *Juvenal*, Sat. 3. (*d*) Controverſ. lib. 3. (*e*) In *Calig.* 35.

The *Eſſedarii*, mention'd by the ſame Authors (*a*), and by *Tully* (*b*), were ſuch as on ſome occaſions engag'd one another out of Chariots *: Tho' perhaps at other times, they fought on Foot like the reſt. The *Eſſedum* was a ſort of Waggon, from which the *Gauls* and the *Britains* us'd to aſſail the *Romans* in their Engagements with them.

* *Eſſeda*

The *Andabatæ*, or ἀναβάται, fought on Horſeback, with a ſort of Helmet that cover'd all the Face and Eyes; and therefore *Andabatarum more pugnare* is to combat blindfold.

As to the manner of the Gladiators Combats, we can't apprehend it fully, unleſs we take in what was done before, and what after the Fight, as well as the actual Engagement. When any Perſon deſign'd to oblige the People with ſuch a Show, he ſet up Bills in the publick Places, giving an account of the time, the number of the Gladiators, and other Circumſtances. This they call'd *Munus pronunciare*, or *proponere*; and the *Libelli*, or Bills, were ſometimes term'd *Edicta*. Many times, beſides theſe Bills, they ſet up great Pictures, on which were deſcrib'd the manner of the Fight, and the Effigies of ſome of the moſt celebrated Gladiators, whom they intended to bring out. This Cuſtom is elegantly deſcrib'd by *Horace*. *Book* 2. *Sat.* 7.

Vel cùm Pauſiacâ torpes inſane tabellâ,
Quâ peccas minùs atque ego, cùm Fulvi Rutubæq;
Aut Placideiani contento poplite miror
Prælia, rubricâ picta aut carbone, velut ſi
Revera pugnent, feriant, vitentq; moventes
Arma viri?

Or when on ſome rare Piece you wondring ſtand,
And praiſe the Colours, and the Maſter's Hand,
Are you leſs vain than I, when in the Street
The painted Canvaſs holds my raviſh'd Sight?
Where with bent Knees the skilful Fencers ſtrive
To ſpend their Pais, as if they mov'd alive:
And with new Sleights, ſo well expreſs'd, engage,
That I, amaz'd, ſtare up, and think them on the Stage.

At the appointed Day for the Show, in the firſt place the Gladiators were brought out all together, and oblig'd to take a Cir-

(*a*) *Senec.* Epiſt. 39. *Sueton. Calig.* 35. *Claud.* 21. (*b*) In Epiſtolis.

cuit

cuit round the *Arena*, in a very ſolemn and pompous manner. After this, they proceeded *paria componere*, to match them by Pairs; in which great care was uſed to make the Matches equal. Before the Combatants fell to't in earneſt, they try'd their Skill againſt one another with more harmleſs Weapons, as the *Rudes*, and the Spears without Heads, the blunted Swords, the Files, and ſuch like. This *Cicero* admirably obſerves; *Si in iſto ipſo gladiatorio vitæ certamine, quo ferro decernitur, tamen ante congreſſum multa fiunt, quæ non ad vulnus, ſed ad ſpeciem valere videantur; quanto magis hoc in Oratione expectandum eſt? If in the Mortal Combats of the* Gladiators, *where the Victory is decided by Arms, before they actually engage, there are ſeveral Flouriſhes given, more for a ſhow of Art than a deſign of hurting: How much more proper would this look in the Contention of an Orator?* This Flouriſhing before the Fight, they call'd in common *Prælufio*; or in reſpect of the Swords, only *Ventilatio*. This Exerciſe was continu'd till the Trumpets ſounding gave them notice to enter on more deſperate Encounters; and then they were ſaid *vertere Arma*.

——*Ita rem natam eſſe intelligo,*
Neceſſum eſt vorſis armis depugnarier. Plaut.

The Terms of ſtriking were *Petere* and *Repetere*; of avoiding a Blow, *exire*.

Corpora tela modo, atq; oculis vigilantibus exit. Virg.

When any Perſon receiv'd a remarkable Wound, either his Adverſary or the People, us'd to cry out *habet*, or, *hoc habet*. This *Virgil* alludes to *Æneid.* 12.

——*Teloq; orantem multa, trabali*
Deſuper altus equo graviter ferit atque ita fatur:
Hoc habet: hæc magnis melior data victima divis.

——Him, as much he pray'd,
With his huge Spear *Meſſapus* deeply ſtrook,
From his high Courſer's Back; and chafing, ſpoke,
He has it; and to this auſpicious Blow
A nobler Victim the great Gods ſhall owe.

The Party who was worſted *ſubmitted his Arms*, and acknowledg'd himſelf conquer'd: Yet this won'd not ſave his Life, unleſs the People pleas'd, and therefore he made his Application to them for Pity. The two Signs of Favour, and Diſlike given by the People, were *Premere pollicem*, and *Vertere pollicem*, Phraſes which the Criticks have quarrell'd much about, to little purpoſe. But Monſieur *Dacier* ſeems to have been more happy in his Explanation than his Predeceſſors. The former he takes to be a clenching of the Fingers of both Hands between one another, and ſo holding the two Thumbs upright cloſe together. This was done to expreſs their Admiration of the Art and Courage ſhow'd by both Combatants, and a ſign to the Conqueror to ſpare the Life of his Antagoniſt, as having perform'd his Part remarkably well. Hence *Horace*, to ſignifie the extraordinary Commendation that a Man could give to one of his own Temper and Inclinations, uſes

Fautor utroque tuum laudabit pollice ludum.

And *Menander* has δακτύλους πιέζειν, *to preſs the Fingers*; a Cuſtom on the *Grecian* Stage, deſign'd for a mark of Approbation, anſwerable to our Clapping.

But the contrary Motion or Bending back of the Thumbs, ſignified the diſſatisfaction of the Spectators, and authoriz'd the Victor to kill the other Combatant out-right for a Coward.

——*Verſo pollice vulgi*
Quemlibet occidunt populariter. Juv. Sat. 3.

Where influenc'd by the Rabbles bloody Will,
With Thumbs bent back they popularly kill.

Beſides this Privilege of the People, the Emperours ſeem to have had the liberty of ſaving whom they thought fit, when they were preſent at the Solemnity: And perhaps upon the bare coming in of the Emperour into the place of Combat, the Gladiators, who in that inſtant had the worſt of it, were deliver'd from farther danger.

Cæſaris adventu tutâ Gladiator arenâ
Exit, & auxilium non leve vultus habet. Martial.

Where

Where *Cæſar* comes the worſted Fencer lives,
And his bare Preſence (like the Gods) reprieves.

After the Engagement there were ſeveral Marks of Favour conferr'd on the Victors; as many times a Preſent of Money, perhaps gather'd up among the Spectators; which *Juvenal* alludes to *Sat.* 7.

Accipe victori populus quod poſtulat aurum.

——————take the Gains,
A conqu'ring Fencer from the Crowd obtains.

But the moſt common Rewards were the *Pileus* and the *Rudis*: The former was given only to ſuch Gladiators as were Slaves, for a Token of their obtaining Freedom. The *Rudis* ſeems to have been beſtow'd both on Slaves and Freemen; but with this difference, that it procur'd for the former no more than a diſcharge from any farther Performance in pnblick; upon which they commonly turn'd *Laniſtæ*, ſpending their time in training up young Fencers. *Ovid* calls it *tuta Rudis.*

Tutaque depoſito poſcitur enſe rudis.

But the *Rudis* when given to ſuch Perſons as, being free, had hir'd themſelves out for theſe Shows, reſtor'd them to a full Enjoyment of their Liberty. Both theſe ſorts of *Rudiarii*, being excus'd from farther Service, had a Cuſtom to hang up their Arms in the Temple of *Hercules*, the Patron of their Profeſſion; and were never call'd out again without their conſent. *Horace* has given us a full account of this Cuſtom in his firſt Epiſtle to *Mæcenas.*

Primâ dicte mihi ſummâ dicende camœnâ,
Spectatum ſatis & donatum jam rude, quæris,
Mæcenas, iterum antiquo me includere ludo.
Non eadem eſt ætas, non mens. Vejanius armis
Herculis ad poſtem fixis, latet abditus agro;
Ne populum extremâ toties exoret arenâ.

Mæcenas,

Mæcenas, you whoſe Name and Titles grac'd
My early Labours, and ſhall crown my laſt:
Now when I've long engag'd with wiſh'd Succeſs,
And, full of Fame, obtain'd my Writ of Eaſe:
While ſprightly Fancy ſinks with heavy Age,
Again you'd bring me on the doubtful Stage.
Yet wiſe *Veianius*, hanging up his Arms
To *Hercules*, ſome little Cottage farms:
Leaſt he be forc'd, if giddy Fortune turns,
To cringe to the vile Rabble whom he ſcorns.

The learned *Dacier*, in his Obſervations on this Place acquaints us, That 'twas a Cuſtom for all Perſons, when they laid down any Art or Employment, to conſecrate the proper Inſtruments of their Calling, to the particular Deity, who was acknowledg'd for the Preſident of that Profeſſion. And therefore the Gladiators, when thus diſcharg'd, hung up their Arms to *Hercules*; who had a Chappel by every Amphitheatre; and where there were no Amphitheatres, in the *Circo's*, and over every place aſſign'd to ſuch manly Performances, there ſtood a *Hercules* with his Club.

We may take our leave of the Gladiators with the excellent Paſſage of *Cicero*, which may ſerve in ſome meaſure as an Apology for the Cuſtom. *Crudele Gladiatorum ſpectaculum & inhumanum nonnullis videri ſolet: & haud ſcio an non ita ſit, ut nunc fit: cùm verò ſontes ferro depugnabant auribus fortaſſe multæ, oculis quidem nulla poterat eſſe fortior contra dolorem & mortem diſciplina (a). The Shows of* Gladiators *may poſſibly to ſome Perſons ſeem barbarous and inhumane: And indeed, as the Caſe now ſtands, I can't ſay that the Cenſure is unjuſt: But in theſe times, when only guilty Perſons compos'd the number of Combatants, the Ear perhaps might receive many better Inſtructions; but 'tis impoſſible that any thing which affects our Eyes, ſhould fortifie us with more ſucceſs againſt the Aſſaults of Grief and Death.*

(*a*) Tuſcul. Queſt. 2.

CHAP.

CHAP. V.

Of the LUDI SCENICI, *or Stage-Plays: And firſt of the Satires, and the Mimick-Pieces, with the Riſe and Advances of ſuch Entertainments among the* Romans.

THE *LUDI SCENICI*, or Stage-Plays, have been commonly divided into four Species, Satire, Mimick, Tragedy, and Comedy. The elder *Scaliger* will have Satire to have proceeded from Tragedy, in the ſame manner as the *Mimus* from Comedy: But we are aſſur'd this was in uſe at *Rome*, long before the more perfect Drama's had gain'd a place on the Stage. Nor has the ſame excellent Critick been more happy in tracing the Original of this ſort of Poetry as far as *Greece*: For we cannot ſuppoſe it to bear any reſemblance to the Chorus or Dance of Satires, which us'd to appear in the Theatres at *Athens*, as an Appendage to ſome of their Tragedies, thence call'd Satyrique. This kind of *Greek* Farce was taken up purely in the Characters of Mirth and Wantonneſs, not admitting thoſe Sarcaſtical Reflections, which were the very Eſſence of the *Roman* Satire. Therefore *Caſaubon* and *Dacier*, without caſting an Eye toward *Greece*, make no queſtion but the Name is to be deriv'd from *Satura*, a *Roman* Word, ſignifying *full*: The (*u*) being chang'd into an (*i*), after the ſame manner as *optumus* and *maxumus*, were afterwards ſpell'd *optimus* and *maximus*. *Satura* being an Adjective, muſt be ſuppos'd to relate to the Subſtantive *Lanx*, a Platter or Charger; ſuch as they fill'd yearly with all ſorts of Fruit, and offer'd to the Gods at their Feſtivals, as the *Primitiæ*, or firſt Gatherings of the Seaſon. Such an Expreſſion might be well applied to this kind of Poem, which was full of various Matter, and written on different Subjects. Nor are there wanting other Inſtances of the ſame way of ſpeaking; as particularly *per Saturam Sententias exquirere*, is us'd by *Salluſt*, to ſignifie the way of Voting in the Senate, when neither the Members were told, nor the Voices counted, but all gave their Suffrages promiſcuouſly, and without obſerving any Order. And the *Hiſtoriæ Saturæ*, or *per Saturum* of *Feſtus*, were nothing elſe but Miſcellaneous Tracts of Hiſtory. The Original of the *Roman* Satire,

Satire, will lead us into the Knowledge of the first Representations of Persons, and the rude Essays towards Dramatick Poetry in the Rustick Ages of *Rome*; for which we are beholden to the accurate Research of *Dacier*, and the Improvement of him by Mr. *Dryden*.

During the space of almost Four hundred Years from the building of the City, the *Romans* had never known any Entertainments of the Stage: Chance and Jollity first found out those Verses, which they call'd *Saturnian*, because they suppos'd such to have been in use under *Saturn*; and *Fescennine*, from *Fescennia*, a Town in *Tuscany*, where they were first practis'd. The Actors, upon Occasions of Merriment, with a gross and rustick kind of Raillery, reproach'd one another *Ex tempore*, with their Failings; and at the same time, were nothing sparing of it to the Audience. Somewhat of this Custom was afterwards retain'd in their *Saturnalia*, or Feast of *Saturn*, celebrated in *December*: At least all kind of freedom of Speech was then allow'd to Slaves, even against their Masters: And we are not without some Imitation of it in our *Christmas-Gambols*. We can't have a better Notion of this rude and unpolish'd kind of Farce, than by imagining a Company of Clowns on a Holy-day dancing lubberly, and upbraiding one another in *Ex tempore* Doggrel, with their Defects and Vices, and the Stories that were told of them in Bake-Houses, and Barbers Shops.

This rough-cast unhewn Poetry was instead of Stage-Plays, for the space of an Hundred and twenty Years together: But then, when they began to be somewhat better bred, and entred, as one may say, into the first Rudiments of Civil Conversation, they left these Hedge-notes for another sort of Poem, a little more polish'd, which was also full of pleasant Raillery, but without any mixture of Obscenity. This new Species of Poetry appear'd under the Name of Satire, because of its variety, and was adorn'd with Compositions of Musick, and with Dances.

When *Livius Andronicus*, about the Year of *Rome* 514 had introduc'd the new Entertainments of Tragedy and Comedy, the People neglected and abandon'd their old Diversion of Satires: But not long after, they took them up again, and then they join'd them to their Comedies, playing them at the end of the *Drama*; as the *French* continue at this Day to act their Farces in the nature of a separate Representation from their Tragedies.

A Year after *Andronicus* had open'd the *Roman* Stage with his new Drama's, *Ennius* was born; who when he was grown to Man's Eſtate, having ſeriouſly conſider'd the Genius of the People, and how eagerly they follow'd the firſt Satires, thought it would be worth his while, to refine upon the Project, and to write Satires, not to be acted on the Theatre, but read. The Event was anſwerable to his Expectation, and his Deſign being improv'd by *Pacuvius*, adorn'd with a more graceful Turn by *Lucilius*, and advanc'd to its full height by *Horace*, *Juvenal*, and *Perſius*, grew into a diſtinct Species of Poetry, and has ever met with kind Reception in the World. To the ſame Original we owe the other ſort of Satire, call'd *Varronian*, (from the learned *Varro* who firſt compos'd it.) This was written freely, without any reſtraint to Verſe or Proſe, but conſiſting of an intermixture of both: Of which nature are the *Satyricon* of *Petronius*, *Seneca*'s mock Deification of the Emperor *Claudius*, and *Boethius*'s Conſolations.

As for the *Mimus*, from Μιμεῖσθαι, *to imitate*, *Scaliger* defines it, to be *a Poem imitating any ſort of Actions, ſo as to make them appear ridiculous* (*a*). The Original of it, he refers to the Comedies; in which, when the Chorus went off the Stage, they were ſucceeded by a ſort of Actors who diverted the Audience, for ſome time with Apiſh Poſtures, and Antick Dances. They were not mask'd, but had their Faces ſmear'd over with Soot, and dreſs'd themſelves in Lamb-skins, which are call'd *Peſcia* in the old Verſes of the *Salii*. They wore Garlands of Ivy, and carried Baskets full of Herbs and Flowers to the Honour of *Bacchus*, as had been obſerv'd in the firſt Inſtitution of the Cuſtom at *Athens*. They acted always bare-foot, and were thence call'd *Planipedes*.

Theſe Diverſions being receiv'd with univerſal Applauſe by the People, the Actors took aſſurance to model them into a diſtinct Entertainment from the other Plays, and preſent them by themſelves. And perhaps it was not 'till now, that they undertook to write ſeveral Pieces of Poetry with the Name of *Mimi*, repreſenting an imperfect ſort of *Drama*, not divided into Acts and perform'd only by a ſingle Perſon. Theſe were a very frequent Entertainment of the *Roman* Stage, long after Tragedy and Comedy had been advanc'd to their full height, and ſeem to have always maintain'd a very great Eſteem in the Town.

(*a*) De re Poet. lib. 1. cap. 10.

The

The two famous Mimicks, or *Pantomimi*, as they call'd them, were *Laberius* and *Publius*, both Contemporary to *Julius Cæſar*. *Laberius* was a Perſon of the Equeſtrian Rank, and at Threeſcore Years of Age, acted the Mimick Pieces of his own compoſing, in the Games which *Cæſar* preſented to the People; for which he receiv'd a Reward of Five hundred *Seſtertia*, and a Gold Ring, and ſo recover'd the Honour which he had forfeited by performing on the Stage (*b*). *Macrobius* has given us part of a Prologue of this Author, wherein he ſeems to complain of the Obligation which *Cæſar* laid on him to appear in the Quality of an Actor, ſo contrary to his own Inclinations, and to the former Courſe of his Life: Some of them, which may ſerve for a taſte of his Wit and Style, are as follows:

Fortuna immoderata in bono æque atque in malo,
Si tibi erat libitum litterarum laudibus
Florîs cacumen noſtræ famæ frangere,
Cur, cùm vigebam membris præviridantibus
Satisfacere populo & tali cùm poteram viro,
Non flexibilem me concurvaſti ut carperes?
Nunc me quò dejicis? Quid ad ſcenam affero:
Decorum formæ, an dignitatem corporis,
Animi virtutem, an vocis jucundæ ſonum?
Ut hedera ſerpens vires arboreas necat;
Ita me vetuſtas amplexu annorum enecat.
Sepulchri ſimilis nihil niſi nomen retineo.

Horace indeed expreſly taxes his Compoſures with want of Elegance (*c*): But *Scaliger* (*d*) thinks the Cenſure to be very unjuſt; and that the Verſes cited by *Macrobius* are much better than thoſe of *Horace*, in which this Reflection is to be found.

There goes a ſharp Repartee of the ſame *Laberius* upon *Tully*, when upon receiving the Golden Ring of *Cæſar*, he went to reſume his Seat among the Knights; they, out of a Principle of Honour, ſeem'd very unwilling to receive him; *Cicero* particularly told him, as he paſs'd by, That indeed he would make room for him with all his Heart, but that he was ſqueez'd up already himſelf. No wonder, (ſays *Laberius*) that you who commonly make uſe of two Seats at once, fanſie your ſelf ſqueez'd up, when you ſit like other People. In which he

(*b*) *Sueton.* in *Jul.* cap. 39. *Macrob.* Saturn. lib. 2, cap. 7. (*c*) Lib. 1. Sat. 10. (*d*) De re Poët. lib. 1. cap. 10.

gave

gave a very ſevere wipe on the double dealing of the Orator (*a*).

Publius was a *Syrian* by Birth; but receiv'd his Education at *Rome* in the Condition of a Slave. Having by ſeveral Specimens of Wit obtain'd his Freedom, he ſet to write Mimick Pieces, and acted them with wonderful Applauſe about the Towns in *Italy*. At laſt, being brought to *Rome*, to bear a part in *Cæſar*'s Plays, he challeng'd all the Dramatick Writers and Actors, and won the Prize from every Man of them one by one, even from *Laberius* himſelf (*b*). A Collection of Sentences taken out of his Works are ſtill extant. *Joſeph Scaliger* gives them a very high Encomium, and thought it worth his while to turn them into *Greek*.

(*a*) *Macrob. Saturn.* lib. 2. cap. 7. (*b*) Idem lib. 2. cap. 7.

CHAP. VI.

Of the Roman *Tragedy and Comedy.*

THE *Roman* Tragedy and Comedy were wholly borrow'd from the *Grecians*, and therefore do not ſo properly fall under the preſent Deſign: Yet in order to a right underſtanding of theſe Pieces, there is Scope enough for a very uſeful Enquiry, without roaming ſo far as *Athens*, unleſs upon a neceſſary account. The Parts of a Play agreed on by ancient and modern Writers, are theſe four: Firſt, The *Protaſis*, or Entrance, which gives a Light only to the Characters of the Perſons, and proceeds very little to any part of the Action. Secondly, The *Epitaſis*, or working up of the Plot, where the Play grows warmer; the Deſign or Action of it is drawing on, and you ſee ſomething promiſing that it will come to paſs. Thirdly, The *Cataſtaſis*, or, in a *Roman* Word, the *Status*, the height and full growth of the Play: This may properly be call'd the Counter-turn, which deſtroys that Expectation, imbroils the Action in new Difficulties, and leaves us far diſtant from that Hope in which it found us. Laſtly, The Cataſtrophe, or Λύσις the diſcovery, or unravelling of the Plot: Here we ſee all things ſettling again on their firſt Foundations; and the Obſtacles which hindred

the

the Deſign or Action of the Play once remov'd, it ends with that reſemblance of Truth and Nature, that the Audience are ſatisfied with the Conduct of it (*a*). It's a queſtion, whether the firſt *Roman Drama's* were divided into Acts; or at laſt it ſeems probable, that theſe were not admitted into Comedy 'till after it had loſt its Chorus, and ſo ſtood in need of ſome more neceſſary Diviſions than could be made by the Muſick only. Yet the five Acts were ſo eſtabliſh'd in the time of *Horace*, that he gives it for a Rule,

> *Neve minor, neu ſit quinto productior actu*
> *Fabula.*

The diſtinction of the Scenes ſeems to have been an Invention of the Grammarians, and is not to be found in the old Copies of *Plautus* and *Terence*; and therefore theſe are wholly left out in the late excellent Tranſlations.

The *Drama's* preſented at *Rome*, were divided in general into *Palliatæ* and *Togatæ*, *Grecian*, and properly *Roman*: In the former, the Plot being laid in *Greece*, the Actors were habited according to the faſhion of that Country; in the other the Perſons were ſuppos'd to be *Romans*. But then the Comedies, properly *Roman* were of ſeveral ſorts: *Prætextatæ*, when the Actors were ſuppos'd to be Perſons of Quality, ſuch as had the liberty of wearing the *Prætexta*, or Purple Gown: *Tabernariæ*, when the *Tabernæ*, low ordinary Buildings were expreſs'd in the Scenes, the Perſons being of the lower Rank. *Suetonius* (*b*) informs us, That *C. Meliſſus*, in the time of *Auguſtus*, introduc'd a new ſort of *Togatæ*, which he call'd *Trabeatæ*. Monſieur *Dacier* is of Opinion, that they were wholly taken up in Matters relating to the Camp, and that the Perſons repreſented were ſome of the chief Officers (*c*): For the *Trabea* was the proper Habit of the Conſul when he ſet forward on any Warlike Deſign. There was a Species of Comedy different from both theſe, and more inclining to Farce, which they call'd *Atellanæ*, from *Atella*, a Town of the *Oſcians* in *Campania*, where it was firſt invented. The whole deſign of it was Mirth and Jeſting, (tho' ſometimes with a mixture of Debauchery, and laſcivious Poſtures) and therefore they were not reckon'd among the *Hiſtriones*, or common Players; but kept the benefit of their Tribe, and might be liſted for Soldiers, a Privilege allow'd only to

(*a*) Mr. *Dryden*'s Dramat. Eſſay. (*b*) De claris Grammat. 21. (*c*) Not. on *Horace*'s Art Poet.

Free-

Freemen. Sometimes perhaps the *Atellanæ* were preſented between the Acts of other Comedies, by way of *Exodium*, or Interlude: As we meet with *Exodium Atellanicum* in *Suetonius* (*d*).

Tho' all the Rules by which the *Drama* is practis'd at this Day, neither ſuch as relate to the Juſtneſs and Symmetry of the Plot, or the Epiſodical Ornaments; ſuch as Deſcriptions, Narrations, and other Beauties not eſſential to the Play, were deliver'd to us by the Ancients, and the Judgment which we make of all Performances in this kind, are guided by their Examples and Directions; yet there are ſeveral things belonging to the old Dramatick Pieces, which we cannot at all underſtand by the Modern, ſince, not being eſſential to theſe Works, they have been long diſus'd. Of this ſort we may reckon up, as particularly worth our Obſervation, the Buskin and the Sock, the Maſques, the Chorus, and the Flutes.

The *Cothurnus* and the *Soccus*, were ſuch eminent Marks of Diſtinction between the old Tragedy and Comedy, that they were brought, not only to ſignifie thoſe diſtinct Species of Dramatick Poetry, but to expreſs the ſublime and the humble Style in any other Compoſitions: As *Martial* calls *Virgil*, *Cothurnatus*, tho' he never meddled with Tragedy.

Grande Cothurnati pone Maronis opus.

This *Cothurnus* is thought to have been a ſquare high ſort of Boot, which made the Actors appear above the ordinary ſize of Mortals, ſuch as they ſuppos'd the old Heroes to have generally been; and at the ſame time giving them leave to move but ſlowly, were well accommodated to the State and Gravity which Subjects of that nature requir'd. Yet 'tis plain they were not in uſe only on the Stage; for *Virgil* brings in the Goddeſs *Venus* in the Habit of a *Tyrian* Maid, telling *Æneas*,

Virginibus Tyriis mos eſt geſtare pharetras,
Purpureoque altè ſuras vincire cothurno.

From which it appears, that the Hunters ſometimes wore Buſkins to ſecure their Legs: But then we muſt ſuppoſe them to be much lighter and better contriv'd than the other, for fear they ſhould prove a hindrance to the Swiftneſs and Agility re-

(*d*) *Tiber* 45.

quir'd in that Sport. The Women in ſome Parts of *Italy*, ſtill wear a ſort of Shooes, or rather Stilts, ſomewhat like theſe Buskins, which they call *Cioppini*: *Laſſels* informs us, that he had ſeen them at *Venice* a full half-yard high.

The *Socci* were a ſlight kind of covering for the Feet, whence the Faſhion and the Name of our Socks are deriv'd. The *Comædians* wore theſe to repreſent the vility of the Perſons they repreſented; as debauch'd young Sparks, old crazy Miſers, Pimps, Parafites, Strumpets, and the reſt of that Gang. For the Sock being proper to the Women, as it was very light and thin, was always counted ſcandalous when worn by Men. Thus *Seneca* (*a*) exclaims againſt *Caligula* for ſitting to judge upon Life and Death in a rich pair of Socks adorn'd with Gold and Silver.

Another Reaſon why they were taken up by the Actors of Comedy might be, becauſe they were the fitteſt that can be imagin'd for dancing. Thus *Catullus* invokes *Hymen* the Patron of Weddings.

Huc veni niveo gerens
Luteum pede ſoccum,
Exitus hilari die
Voce Carmina tinnulâ
Pelle humum pedibus.

The *Perſona*, or Maſque *Agellius* (*b*) derives (according to an old Author) from *Perſono*, to ſound throughly; becauſe theſe Vizards being put over the Face, and left open at the Mouth, rendred the Voice much clearer and fuller, by contracting it into a leſſer compaſs. But *Scaliger* will not allow of this Conjecture. However the reaſon of it (which is all that concerns us at preſent) appears from all the old Figures of the Maſques, in which we find always a very large wide hole deſign'd for the Mouth. Madam *Dacier*, who met with the Draughts of the Comick Vizards in a very old Manuſcript of *Terence*, informs us, that they were not like ours which cover only the Face: But that they came over the whole Head, and had always a ſort of Peruque of Hair faſten'd on them, proper to the Perſon whom they were to repreſent.

The Original of the Maſque is referr'd by *Horace* to *Æſchylus*; whereas before the Actors had no other diſguiſe, but to

(*a*) De Benefic. *lib.* 2. *cap.* 12. (*b*) Noct. *lib.* 5. *cap.* 7.

ſmear

ſmear over their Faces with odd Colours; and yet this was well enough when their Stage was no better than a Cart.

Ignotum Tragicæ genus inveniſſe Camœnæ
Dicitur, & plauſtris vexiſſe Poemata Theſpis,
Quæ canerent agerentq; peruncti fæcibus ora,
Poſt hunc perſonæ pallæq; repertor honeſtæ
Æſchylus & modicis implevit pulpita tignis;
Et docuit magnumq; loqui, nitiq; Cothurno.

When *Theſpis* firſt expos'd the Tragick Muſe,
Rude were the Actors, and a Cart the Scene;
Where ghaſtly Faces, ſtain'd with Lees of Wine,
Frighted the Children, and amus'd the Croud.
This *Æſchylus* (with Indignation) ſaw,
And built a Stage, found out a decent Dreſs;
Brought Vizards in (a civileer diſguiſe)
And taught Men how to ſpeak and how to act.
My Lord *Roſcommon.*

The *Chorus Hedelin* defines to be, a Company of Actors, repreſenting the Aſſembly, or Body of thoſe Perſons, who either were preſent, or probably might be ſo, upon that Place or Scene, where the buſineſs was ſuppos'd to be tranſacted. This is exactly obſerv'd in the four *Græcian* Dramatick Poets, *Æſchylus*, *Sophocles*, *Euripides* and *Ariſtophanes*: But the only *Latin* Tragedies which remain, thoſe under the Name of *Seneca*, as they are faulty in many Reſpects, ſo particularly are they in the *Chorus's*: For ſometimes they hear all that's ſaid upon the Stage, ſee all that's done, and ſpeak very properly to all: At other times one wou'd think they were blind, deaf, or dumb. In many of theſe *Drama's* one can hardly tell whom they repreſent, how they were dreſs'd, what reaſon brings them on the Stage, or why they are of one Sex more than of another. Indeed the Verſes are fine, full of Thought, and over-loaded with Conceit; but may in moſt places be very well ſpar'd, without ſpoiling any thing either in the Sence or the Repreſentation of the Poem. Beſides, the *Thebais* has no *Chorus* at all; which may give us occaſion to doubt of what *Scaliger* affirms ſo poſitively, That Tragedy was never without *Chorus's*. For it ſeems probable enough, that in the time of the debauch'd and looſe Emperours, when Mimicks and Buffoons came in for Interludes to Tragedy as well as Comedy, the *Chorus* ceas'd by degrees to be a part of

the Dramatick Poem, and dwindled into a Troop of Muſicians and Dancers, who mark'd the Intervals of the Acts.

The Office of the *Chorus* is thus excellently deliver'd by *Horace*,

Actorũ partes Chorus officiumq; virile
Defendat : neu quid medios intercinat actus
Quod non propoſito conducat & hæreat aptè.
Ille bonis faveatq; & concilietur amicis,
Et regat iratos, & amet peccare timentes;
Ille dapes laudet menſæ brevis ; ille ſalubrem
Juſtitiam, legeſq; & apertis otia portis,
Ille tegat commiſſa ; deoſq; precetur & oret
Ut redeat miſeris, abeat fortuna ſuperbis.

A *Chorus* ſhould ſupply what Action wants
And has a generous and manly part ;
Bridles wild Rage, loves rigid Honeſty,
And ſtrict obſervance of impartial Laws ;
Sobriety, Security, and Peace:
And begs the Gods to turn blind Fortune's Wheel ;
To raiſe the wretched, and pull down the Proud.
But nothing muſt be ſung between the Acts
But what ſome way conduces to the Plot.

My Lord *Roſcommon.*

This Account is chiefly to be underſtood of the *Chorus* of Tragedies ; yet the old Comedies, we are aſſur'd, had their *Chorus*'s too, as yet appears in *Ariſtophanes* ; where, beſides thoſe compos'd of the ordinary ſort of Perſons, we meet with one of Clouds, another of Frogs, and a third of Waſps ; but all very conformable to the nature of the Subject, and extremely Comical.

'Twould be foreign to our preſent purpoſe to trace the Original of the *Chorus*, and to ſhew how it was regulated by *Theſpis*, (generally honour'd with the Title of the firſt Tragedian;) whereas before 'twas nothing elſe but a Company of Muſicians ſinging and dancing in the honour of *Bacchus*. It may be more proper to obſerve how it came, after ſome time, to be left out in Comedy, as it is in that of the *Romans*. *Horace*'s Reaſon is, that the Malignity and Satyrical Humour of the Poets was the cauſe of it ; for

for they made the *Chorus*'s abuſe People ſo ſeverely, and with ſo bare a Face, that the Magiſtrates at laſt forbad them to uſe any at all.

——————————— *Choruſque*
Turpitèr obticuit, ſublato jure nocendi.

But perhaps, if the Rules of probability had not likewiſe ſeconded this Prohibition, the Poets would have preſerv'd their *Chorus* ſtill, bating the Satirical Edge of it. Therefore a farther Reaſon may be offer'd for this Alteration. Comedy took its Model and Conſtitution from Tragedy; and when the down-right abuſing of living Perſons was prohibited, they invented new Subjects, which they govern'd by the Rules of Tragedy; but as they were neceſſitated to paint the Actions of the Vulgar, and conſequently confin'd to mean Events, they generally choſe the place of their Scene in ſome Street before the Houſes of thoſe whom they ſuppos'd concern'd in the Plot: Now it was not very likely that there ſhould be ſuch a Company in thoſe places, managing an Intrigue of inconſiderable Perſons from Morning till Night. Thus Comedy of it ſelf let fall the *Chorus*, which it could not preſerve with any probability.

The *Tibiæ*, or Flutes, are as little underſtood as any particular Subject of Antiquity; and yet without the knowledge of them we can make nothing of the Titles prefix'd to *Terence*'s Comedies. *Horace* gives us no farther light into this matter, than by obſerving the difference between the ſmall rural Pipe, and the larger and louder Flute afterwards brought into faſhion: However his Account is not to be paſs'd by:

Tibia non ut nunc orichalco vincta, tubæq;
Æmula; ſed tenuis ſimplexq; foramine pauco,
Adſpirare & adeſſe choris erat utilis, atq;
Nondum ſpiſſa nimis complere ſedilia flatu,
Quo ſanè populus numerabilis, utpote parvus,
Et frugi caſtuſq; verecunduſq; coibat.
Poſtquam cœpit agros extendere victor, & urbem
Latior amplecti murus, vinoq; diurno
Placari Genius feſtis impune diebus;
Acceſſit numeriſq; modiſq; licentia major.
Indoctus quid enim ſaperet, liberq; laborum
Ruſticus Urbano confuſus, turpis honeſto?

Sic priſcæ motumq; & luxuriam addidit arti
Tibicen, traxitq; vagus per pulpita veſtem.

Firſt the ſhrill ſound of a ſmall rural Pipe,
(Not loud like Trumpets, nor adorn'd as now)
Was Entertainment for the Infant Stage,
And pleas'd the thin and baſhful Audience,
Of our well-meaning frugal Anceſtors.
But when our Walls and Limits were enlarg'd,
And Men (grown wanton by Proſperity)
Studied new Arts of Luxury and Eaſe,
The Verſe, the Muſick, and the Scenes improv'd;
For how ſhould Ignorance be Judge of Wit,
Or Men of Sence applaud the Jeſts of Fools?
Then came rich Clothes, and graceful Action in,
And Inſtruments were taught more moving Notes.
My Lord *Roſcommon.*

This Relation, tho' very excellent, cannot ſalve the main difficulty, and that is, to give the proper diſtinction of the Flutes, according to the ſeveral Names under which we find them, as the *Pares*, and *Impares*, the *Dextræ* and *Siniſtræ*, the *Lydiæ*, the *Sarranæ*, and the *Phrygiæ*. Moſt of the eminent Criticks have made ſome Eſſays towards the clearing of this Subject, particularly *Scaliger*, *Aldus Manutius*, *Salmaſius*, and *Tanaquillus Faber*; from whoſe Collections, and her own admirable Judgment, Madam *Dacier* has lately given us a very rational Account of the Matter. The Performers of the Muſick (ſays ſhe) 'play'd always on two Flutes, the whole time of the Comedy. That which they ſtopp'd with their Right-hand was on that Account call'd Right-handed; and that which they ſtopp'd with their Left, Left-handed. The firſt had but a few Holes, and ſounded a deep Baſe; the other had a greater number of Holes, and gave a ſhriller and ſharper Note. When the Muſicians play'd on two Flutes of a different Sound, they us'd to ſay the Piece was play'd *tibiis imparibus*, with *unequal Flutes*, or *Tibiis dextris & ſiniſtris*, with *Right* and *Left-handed Flutes*. When they play'd on two Flutes of the ſame ſound, they us'd to ſay, the Muſick was perform'd *tibiis paribus dextris*, on *equal Right-handed* Flutes, if they were of the deeper ſort; or elſe *tibiis paribus ſiniſtris*, on *equal Left-handed* Flutes, if they were thoſe of the ſhriller Note.

Two

Two equal Right-handed Flutes, they call'd *Lydian*; two equal Left-handed ones *Sarranæ*, or *Tyrian*; two unequal Flutes *Phrygian*, as Imitations of the Muſick of thoſe Countries. The laſt ſort *Virgil* expreſly attributes to the *Phrygians*. *Æneid.* 9.

O verè Phrygiæ, neque enim Phryges! ite per alta
Dindyma, ubi aſſuetis biforem dat tibia cantum.

Where by *biforem cantum* the Commentators underſtand an unequal ſound, ſuch as was made by two different Pipes, one flat, and the other ſharp.

The Title of *Terence*'s *Andria* cannot be made out according to this Explanation, unleſs we ſuppoſe (as there is very good reaſon) that the Muſick ſometimes chang'd in the acting of a Play; and at the proper Intervals, two Right-handed, and two Left-handed Flutes might be us'd.

Our late ingenious Tranſlators of *Terence*, are of a different opinion from the *French* Lady, when they render *tibiis paribus dextris & ſiniſtris*, *two equal Flutes, the one Right-handed, and the other Left-handed*: Whereas the Muſick ſhould ſeem rather to have been performed all along on two equal Flutes, ſometimes on two Right-handed, and ſometimes on two Left-handed.

Old *Donatus* would have us believe, that the Right-handed, or *Lydian* Flutes denoted the more ſerious Matter and Language of the Comedy: That the Left-handed, or *Sarranæ* were proper to expreſs the lightneſs of a more jocoſe Stile: And that when a Right-handed Flute was join'd with a Left-handed, it gave us to underſtand the mixture of Gravity and Mirth in the ſame Play. But ſince the Title of the *Heautontimorumenos*, or *Self-tormentor*, informs us, that the Muſick was perform'd, the firſt time of Acting on unequal Flutes, and the ſecond time on Right-handed Flutes, we cannot agree with the old Scholiaſt, without ſuppoſing the ſame Play, at one time to be partly ſerious and partly merry, and at another time to be wholly of the graver ſort; which would be ridiculous to imagine. Therefore the ingenious Lady happily advanceth a very fair Opinion, That the Muſick was not guided by the Subject of the Play, but by the occaſion on which it was preſented. Thus in the Pieces which were acted at Funeral Solemnities, the Muſick was perform'd on two Right-handed Flutes, as the moſt Grave and Melancholy: In thoſe acted on any joyful Account, the Muſick conſiſted of two Left-handed Flutes, as the briskeſt and moſt airy. But in the great Feſtivals of the Gods, which participated of an equal ſhare

of Mirth and Religion, the Muſick in the Comedies was performed with unequal Flutes, the one Right-handed, and the other Left-handed; or elſe by turns, ſometimes on two Right-handed Flutes, and ſometimes on two Left-handed, as may be judged of *Terence*'s fair *Andrian*.

If any thing farther deſerves our notice in relation to the *Roman Drama*'s, it is the remarkable difference between their Actors and thoſe of *Greece*. For at *Athens* the Actors were generally Perſons of good Birth and Education, for the moſt part Orators or Poets of the firſt Rank. Sometimes we find Kings themſelves performing on the Theatres; and *Cornelius Nepos* aſſures us, that to appear on the publick Stage was not in the leaſt injurious to any Man's Character or Honour (*a*).

But in *Rome* we meet with a quite contrary Practice: For the *Hiſtriones* (ſo called from *Hiſter* ſignifying a Player in the Language of the *Tuſcans*, from whom they were firſt brought to *Rome* to appeaſe the Gods in time of a Plague) were the moſt ſcandalous Company imaginable; none of that Profeſſion being allow'd the privilege to belong to any Tribe, or rank'd any higher than the Slaves. However, if any of them happen'd at the ſame time to be excellent Artiſts, and Men of good Morals, they ſeldom fail'd of the Eſteem and Reſpect of the chiefeſt Perſons in the Commonwealth. This is evident from the Account we have in Hiſtory of the admirable *Roſcius*, of whom *Tully*, his familiar Friend, has left this laſting Commendation: *Cùm artifex ejuſmodi ſit, ut ſolus dignus videatur eſſe qui in Scenâ ſpectetur; tùm vir ejuſmodi eſt, ut ſolus dignus videatur qui eò non accedat* (*b*). So compleat an Artiſt, that he ſeem'd the only Perſon who deſerv'd to tread the Stage; and yet at the ſame time ſo excellent a Man in all other Reſpects, that he ſeem'd the only Perſon, who of all Men ſhould not take up that Profeſſion.

(*a*) In Præfat. Vit. (*b*) Pro. *Quinct.*

CHAP.

CHAP. VII.

Of the Sacred Votive, and Funeral Games.

THE Sacred Games, being inſtituted on ſeveral occaſions to the Honour of ſeveral Deities, are divided into many Species, all which very frequently occur in Authors, and may be thus in ſhort deſcrib'd.

The *LUDI MEGALENSES* were inſtituted to the Honour of the great Goddeſs, or the Mother of the Gods, when her Statue was brought with ſo much Pomp from *Peſſinum* to *Rome*. They conſiſted only of Scenical Sports, and were a ſolemn time of Invitation to Entertainments among Friends. In the ſolemn Proceſſion the Women danc'd before the Image of the Goddeſs; and the Magiſtrates appear'd in all their Robes; whence came the Phraſe of *Purpura Megalenſis*. They laſted ſix Days, from the Day before the Nones of *April* to the Ides. At firſt they ſeem to have been call'd the *Megalenſia*, from μέγας, *great*, and afterwards to have loſt the *n*; ſince we find them more frequently under the Name of *Megaleſia*. It is particularly remarkable in theſe Games, that no Servant was allow'd to bear a part in the Celebration.

The *LUDI CEREALES* were deſign'd to the Honour of *Ceres*, and borrow'd from *Eleuſine* in *Greece*. In theſe Games the Matrons repreſented the Grief of *Ceres*, after ſhe had loſt her Daughter *Proſerpine*, and her Travels to find her again. They were held from the Day before the Ides of *April*, eight Days together in the *Circus*, where, beſides the Combats of Horſemen and other Diverſions, was led up the *Pompa Circenſis*, or *Cerealis*, conſiſting of a ſolemn Proceſſion of the Perſons that were to engage in the Exerciſes, accompanied with the Magiſtrates and Ladies of Quality, the Statues of the Gods and of famous Men, being carried along in State on Waggons, which they call'd *Thenſæ*.

LUDI FLORALES, Sacred to *Flora*, and celebrated (upon advice of the *Sibylline* Oracles) every Spring to beg a Bleſſing on the Graſs, Trees and Flowers. Some are of opinion, that they owe their Original to a famous Whore, who having gain'd a great Eſtate by her Trade, left the Commonwealth her Heir, with this Condition, that every Year they ſhould celebrate her Birth-

Birth-day with publick Sports: The Magiſtrates, to avoid ſuch a publick Scandal, and at the ſame time to keep their Promiſe, held the Games on the Day appointed, but pretended that it was done in Honour of a new Goddeſs, the Patroneſs of Flowers. Whether this Conjecture be true or no, we are certain that the main part of the Solemnity was manag'd by a Company of lewd Strumpets, who ran up and down naked, ſometimes dancing, ſometimes fighting, or acting the Mimicks. However it came to paſs, the wiſeſt and graveſt *Romans* were not for diſcontinuing this Cuſtom, tho' the moſt indecent imaginable: For *Porcius Cato* when he was preſent at theſe Games, and ſaw the People aſhamed to let the Maids ſtrip while he was there, immediately went out of the Theatre, to let the Ceremony have its Courſe *(a)*.

LUDI MARTIALES, inſtituted to the Honour of *Mars*, and held twice in the Year, on the fourth of the Ides of *May*, and again on the Kalends of *Auguſt*, the Day on which his Temple was conſecrated. They had no particular Ceremonies that we can meet with, beſides the ordinary Sports in the *Circo*, and Amphitheatre.

LUDI APOLLINARES, celebrated to the Honour of *Apollo*. They owe their Original to an old Prophetical ſort of a Poem caſually found; in which the *Romans* were adviſ'd, that if they deſir'd to drive out the Troops of their Enemies which infeſted their Borders, they ſhould inſtitute yearly Games to *Apollo*, and at the time of their Celebration make a Collection out of the publick and private Stocks, for a Preſent to the God; appointing ten Men to take care they were held with the ſame Ceremonies as in *Greece (b)*. *Macrobius* relates, that the firſt time theſe Games were kept, an Alarm being given by the Enemy, the People immediately march'd out againſt them, and during the Fight, ſaw a Cloud of Arrows diſcharg'd from the Sky on the adverſe Troops, ſo as to put them to a very diſorderly Flight, and ſecure the Victory to the *Romans (c)*. The People ſat to ſee the *Circenſian* Plays, all crown'd with Lawrel, the Gates were ſet open, and the Day kept Sacred with all manner of Ceremonies. Theſe Games at firſt were not fix'd, but kept every Year upon what Day the *Prætor* thought fit; till about the Year of the City 545. a Law paſs'd to ſettle them for ever on a conſtant Day, which was near the Nones of *July*: This Alteration

(*a*) *Valer. Maxim.* lib. 2. cap. 5. (*b*) *Liv.* lib. 25. (*c*) *Saturn.* lib. 1. cap. 17.

was

was occaſion'd by a grievous Plague then raging in *Rome*, which they thought might in ſome meaſure be allay'd by that Act of Religion (*a*).

LUDI CAPITOLINI, inſtituted to the Honour of *Jupiter Capitolinus*, upon account of his preſerving his Temple from the *Gauls*. A more famous ſort of *Capitoline* Games were brought up by *Domitian*, to be held every five Years with the Name of *Agones Capitolini*, in imitation of the *Græcians*. In theſe the Profeſſors of all ſorts had a publick Contention, and the Victors were crown'd, and preſented with Collars and other Marks of Honour.

LUDI ROMANI, the moſt ancient Games, inſtituted at the firſt building of the *Circus* by *Tarquinius Priſcus*. Hence, in a ſtrict Sence, *Ludi Circenſes* is often us'd to ſignifie the ſame Solemnity. They were deſign'd to the Honour of the three great Deities, *Jupiter*, *Juno* and *Minerva*. 'Tis worth obſerving, that tho' they were uſually call'd *Circenſes*, yet in *Livy* we meet with the *Ludi Romani Scenici* (*b*), intimating that they were celebrated with new Sports. The old *Faſti* make them to be kept nine Days together, from the Day before the Nones to the Day before the Ides of *September*: In which two we find another ſort of *Ludi Romani*, celebrated five Days together, within two Days after theſe. P. *Manutius* thinks the laſt to have been inſtituted very late, not 'till after the Proſecution of *Verres* by *Cicero* (*c*).

LUDI CONSUALES, inſtituted by *Romulus*, with deſign to ſurprize the *Sabine* Virgins; the Account of which is thus given us by *Plutarch*: 'He gave out as if he had found an Altar 'of a certain God hid under Ground; the God they call'd *Con-* 'ſus, the God of Counſel: This is properly *Neptune*, the Inven- 'ter of Horſe-riding; for the Altar is kept cover'd in the great 'Circo, only at Horſe-Races, then it appears to publick view: 'And ſome ſay it was not without reaſon that this God had his 'Altar hid under Ground, becauſe all Counſels ought to be ſecret 'and conceal'd. Upon diſcovery of this Altar, *Romulus*, by Pro- 'clamation, appointed a Day for a ſplendid Sacrifice, and for 'publick Games and Shews to entertain all ſorts of People, and 'many flock'd thither; he himſelf ſat uppermoſt among his No- 'bles, clad in Purple. Now the ſign of their falling on was to 'be, whenever he aroſe and gather'd up his Robe, and threw it 'over his Body; his Men ſtood all ready arm'd, with their

(*a*) *Liv.* lib. 25. (*b*) *Liv.* lib. 3. (*c*) *Manut.* in *Verrin.*

'Eyes

'Eyes intent upon him; and when the Sign was given, draw-'in their Swords and falling on with a great Shout, bore away 'the Daughters of the *Sabines*, they themſelves flying, without 'any lett or hindrance. Theſe Games were celebrated yearly on the twelfth of the Kalends of *September*, conſiſting for the moſt part of Horſe-Races, and Encounters in the *Circus*.

LUDI COMPITALITII, ſo call'd from the *Compita*, or Croſs-Lanes, where they were inſtituted and celebrated by the rude Multitude that was got together, before the building of *Rome*. They ſeem to have been laid down for many Years, 'till *Servius Tullius* revived them. They were held during the *Compitalia*, or Feaſt of the *Lares*, who preſided as well over Streets as Houſes. *Suetonius* tells us, that *Auguſtus* order'd the *Lares* to be crown'd twice a Year at the *Compitalitian* Games, with Spring-Flowers and Summer-Flowers (*a*). This crowning the Houſhold-Gods, and offering Sacrifices up and down in the Streets, made the greateſt part of the Solemnity of the Feaſt.

LUDI AUGUSTALES and *PALATINI*, both inſtituted to the Honour of *Auguſtus* after he had been enroll'd in the number of the Gods; the former by the common conſent of the People, and the other by his Wife *Livia*, which were always celebrated in the Palace (*b*). They were both continued by the ſucceeding Emperours.

LUDI SÆCULARES, the moſt remarkable Games that we meet with in the *Roman* Story. The common Opinion makes them to have had a very odd Original; of which we have a tedious Relation in *Valerius Maximus* (*c*) of the Ancients, and *Angelus Politianus* (*d*) of the Moderns. Monſieur *Dacier* in his excellent Remarks on the Secular Poem of *Horace*, paſſes by this old Conceit as trivial and fabulous and aſſures us, that we need go no farther for the riſe of the Cuſtom, than to the *Sibylline* Oracles, for which the *Romans* had ſo great an Eſteem and Veneration.

In theſe ſacred Writings there was one famous Prophecy to this effect; That if the *Romans* at the beginning of every Age ſhould hold ſolemn Games in the *Campus Martius* to the Honour of *Pluto*, *Proſerpine*, *Juno*, *Apollo*, *Diana*, *Ceres*, and the *Parcæ*, or three fatal Sifters, their City ſhould ever flouriſh, and all Nations be ſubjected to their Dominion. They were very ready to obey the Oracle, and in all the Ceremonies us'd on that occaſion conform'd themſelves to its Directions. The whole manner

(*a*) *Aug.* cap. 32. (*b*) *Dio.* lib. 56. *Suet. Calig.* 56. (*c*) Lib. 2. cap. 4. (*d*) *Miſcellan* cap. 58.

of

of the Solemnity was as follows: In the firſt place the Heralds receiv'd Orders to make an invitation of the whole World, to come to a Feaſt which they had never ſeen already, and ſhould never ſee again. Some few Days before the beginning of the Games, the *Quindecemviri*, taking their Seats in the Capitol and in the *Palatine* Temple, diſtributed among the People Parcels of purifying Stuff, as Flambeaus, Brimſtone, and Sulphur. From hence the People paſs'd on to *Diana*'s Temple on the *Aventine* Mountain, carrying Wheat, Barley, and Beans as an Offering; and after this they ſpent whole Nights in Devotion to the Deſtinies. At length, when the time of the Games was actually come, which continu'd three Days and three Nights, the People aſſembled in the *Campus Martius*, and ſacrificed to *Jupiter*, *Juno*, *Apollo*, *Latona*, *Diana*, the *Parcæ*, *Ceres*, *Pluto*, and *Proſerpine*. On the firſt Night of the Feaſt, the Emperour, accompanied by the *Quindecemviri*, commanded three Altars to be rais'd on the Bank of *Tyber*, which they ſprinkled with the Blood of three Lambs, and then proceeded to burn the Offerings and the Victims. After this they mark'd out a Space which ſerv'd for a Theatre, being illuminated by an innumerable multitude of Flambeaus and Fires; here they ſung ſome certain Hymns compos'd on this occaſion, and celebrated all kinds of Sports. On the Day after, when they had been at the Capitol to offer the Victims, they return'd to the *Campus Martius*, and held Sports to the Honour of *Apollo* and *Diana*. Theſe laſted 'till the next Day, when the noble Matrons, at the hour appointed by the Oracle, went to the Capitol to ſing Hymns to *Jupiter*. On the third Day which concluded the Feaſt, twenty ſeven young Boys, and as many Girls ſung in the Temple of *Palatine Apollo* Hymns and Verſes in *Greek* and *Latin*, to recommend the City to the Protection of thoſe Deities, whom they deſign'd particularly to honour by their Sacrifices.

The famous Secular Poem of *Horace* was compos'd for this laſt Day, in the Secular Games held by *Auguſtus*. *Dacier* has given his Judgment on this Poem, the Maſter-piece of *Horace*, and believes, that all Antiquity cannot furniſh us with any thing more happily compleat.

There has been much Controverſie, whether theſe Games were celebrated every hundred or every hundred and ten Years. For the former Opinion *Cenſorinus* (*a*) alledges the Teſtimony of *Valerius Antias*, *Varro*, and *Livy*; and this was certainly the

(*a*) De *Die Natali*, cap. 17.

ſpace

ſpace of time which the *Romans* call'd, *Sæculum*, or an Age. For the latter he produceth the Authority of the Regiſters, or Commentaries of the *Quindecemviri*, and the Edicts of *Auguſtus*; beſides the plain Evidence of *Horace* in his Secular Poem.

Certus undenos decies per annos, &c.

This laſt Space is expreſly enjoin'd by the *Sibylline* Oracle it ſelf; the Verſes of which relating to this purpoſe are tranſcrib'd by *Zozimus* in the ſecond Book of his Hiſtory.

Ἀλλ' ὁπόταν μήκιστ' ἴκηι χρόνος ἀνθρώποισι
Ζωῆς, εἰς ἔτεα ἑκατὸν δέκα κύκλον ὀδεύων, &c.

Yet according to the ancient Accounts we have of thesr Celebration in the ſeveral Ages, neither of theſe Periods are much regarded.

The firſt were held *A. U. C.* 245. or 298.
The ſecond *A.* 330. or 408.
The third *A.* 518.
The fourth either *A.* 605. or 608. or 628.
The fifth by *Auguſtus*, *A.* 736.
The ſixth by *Claudius*, *A.* 800.
The ſeventh by *Domitian*, *A.* 841.
The eighth by *Severus*, *A.* 957.
The ninth by *Philip*, *A.* 1000.
The tenth by *Honorius*, *A.* 1157.

This Diſorder without queſtion was owing to the Ambition of the Emperours, who were extreamly deſirous to have the Honour of celebrating theſe Games in their Reign; and therefore, upon the ſlighteſt Pretence many times, made them return before their ordinary Courſe. Thus *Claudius* pretended, that *Auguſtus* had held the Games before their due time, that he might have the leaſt excuſe to keep them within ſixty four Years afterwards. On which account *Suetonius* tells us, that the People ſcoffed his Cryers, when they went about proclaiming Games that no Body had ever ſeen, nor would ſee again; whereas there were not only many Perſons alive who remembred the Games of *Auguſtus*, but ſeveral Players who had acted in thoſe Games, were now again brought on the Stage by *Claudius* (*a*).

(*a*) *Sueton. Claud.* 21.

What

What part of the Year ſecular Games were celebrated in is uncertain; probably in the times of the Commonwealth on the Days of the Nativity of the City *i. e.* the G. 10. 11. *Kal. Mai.* but under the Emperors on the Day when they came to their Power (*a*).

We may conclude our Enquiry into this celebrated Subject with two excellent Remarks of the *French* Critick. The firſt is, that in the number Three, ſo much regarded in theſe Games, they had probably an Alluſion to the Triplicity of *Phœbus*, of *Diana*, and of the Deſtinies.

The other Obſervation which he obliges us with, is, that they thought the Girls which had the honour to bear a part in ſinging the Secular Poem ſhould be the ſooneſt married. This Superſtition they borrow'd from the Theology of the *Græcians* who imagin'd that the Children who did not ſing and dance at the coming of *Apollo*, ſhould never be married, and ſhould certainly die young. To this purpoſe *Callimachus* in his Hymn to *Apollo*.

Μήτε σιωπηλὴν χάριν, μήτ' ἀλφον ἴχθῳ
Τῷ Φοίβῳ τὸς παῖδας ἔχειν ἐπιδημήσαντ⊙,
Εἰ τελέειν μέλλοσι γάμον πολίην τε κερεῖσθαι

And *Horace* encouraging the *Chorus* of Girls to do their beſt in ſinging the Secular Poem, tells them how proud they would be of it, when they were well married.

Nupta jam dices: Ego dis amicum
Seculo feſtas referente luces,
Reddidi carmen, docilis modorum
Vatis Horatî,

All thoſe Games, of what ſort ſoever, had the common Name of *Votivi*, which were the effect of any Vow made by the Magiſtrates or Generals, when they ſat forward on any Expedition, to be perform'd in caſe they return'd ſucceſsful. Theſe were ſometimes occaſion'd by advice of the *Sibylline* Oracles, or of the Southſayers; and many times proceeded purely from a Principle of Devotion and Piety in the Generals. Such particularly were the *Ludi Magni*, often mention'd in Hiſtorians, eſpecially by *Livy*. Thus he informs us, That in the Year of the City 538. *Fabius*

(*a*) Mr. *Walker* of Coins p. 168.

Maximus

Maximus the Dictator, to appeaſe the Anger of the Gods, and to obtain Succeſs againſt the *Carthaginian* Power, upon the Direction of the *Sibylline* Oracles, vowed the *Great Games* to *Jupiter*, with a prodigious Summ to be expended at them; beſides three hundred Oxen to be ſacrificed to *Jupiter*, and ſeveral others to the reſt of the Deities (*a*). *M. Acilius* the Conſul did the ſame in the War againſt *Antiochus* (*b*). And we have ſome Examples of theſe Games being made *Quinquennial*, or to return every five Years (*c*). They were celebrated with *Circenſian* Sports four Days together (*d*).

To this Head we may refer the

Ludi Victoriæ, mention'd by *Vell. Paterculus* (*e*). and *Aſconius* (*f*): They were inſtituted by *Scylla* upon his concluding the Civil War. It ſeems probable, that there were many other Games with the ſame Title, celebrated on account of ſome remarkable Succeſs, by ſeveral of the Emperours.

The *Ludi quinquennales*, inſtituted by *Auguſtus Cæſar* after his Victory againſt *Anthony*; which reſolving to deliver famous to ſucceeding Ages, he built the City *Nicopolis*, near *Actium*, the place of Battel, on purpoſe to hold theſe Games; whence they are often call'd *Ludi Actiaci*. They conſiſted of Shows of Gladiators, Wreſtlers, and other Exerciſes, and were kept as well at *Rome* as at *Nicopolis*. The proper Curators of them were the four Colleges of Prieſts, the *Pontifices*, the *Augurs*, the *Septemviri*, and the *Quindecemviri*.

Virgil in alluſion to this Cuſtom, when he brings his Hero to the Promontory of *Actium*, makes him hold ſolemn Games with the Luſtrations and Sacrifices us'd on that occaſion by the *Romans*.

> *Luſtramurq*; Jovi, *votisq*; *incendimus aras*;
> Actiaq; Iliacis *celebramus littora Ludis*. *Æn.* 3.

Nero, after the manner of the *Græcians*, inſtituted *Quinquennial* Games, at which the moſt celebrated Maſters of Muſick, Horſe-racing, Wreſtling, *&c.* diſputed for the Prize (*g*).

The ſame Exerciſes were perform'd in the *Quinquennial* Games of *Domitian*, dedicated to *Jupiter Capitolinus*; together

(*a*) *Liv.* lib. 22. (*b*) Idem. lib. 36. (*c*) *Liv.* lib. 27. & lib. 30. (*d*) Ibid. (*e*) Lib. 2. cap. 27. (*f*) In *Verrin.* 2. (*g*) *Sueton. Ner.* 12.

with

with the Contentions of Orators and Poets (*a*); at which the famous *Statius* had once the ill Fortune to loſe the Prize; as he complains ſeveral times in his Miſcellany Poems.

Ludi Decennales, or Games to return every tenth Year, were inſtituted by *Auguſtus* with this political Deſign, to ſecure the whole Command to himſelf, without incurring the Envy or Jealouſie of the People. For every tenth Year proclaiming ſolemn Sports, and ſo gathering together a numerous Company of Spectators, he there made a ſolemn proffer of reſigning his Imperial Office to the People; tho' he immediately reſum'd it, as if continu'd to him by the common conſent of the Nation (*b*). Hence a Cuſtom was deriv'd for the ſucceeding Emperours every tenth Year of their Reign, to keep a magnificent Feaſt, with the Celebration of all ſorts of publick Sports and Exerciſes (*c*).

The *Ludi Triumphales* were ſuch Games as made a part of the Triumphal Solemnity.

Ludi Natalitii, inſtituted by every particular Emperour to commemorate his own Birth-day.

Ludi Juveniles, inſtituted by *Nero* at the ſhaving of his Beard; and at firſt privately celebrated in his Palace or Gardens; but they ſoon became Publick, and were kept with great State and Magnificence. Hence the Games held by the following Emperours in the Palace yearly on the firſt of *January* took the Name of *Juvenilia* (*d*).

Cicero ſpeaks of the *Ludi Juventutis*, inſtituted by *Salinator* in the *Senenſian* War, for the Health and ſafety of the Youth, a Plague then reigning in the City (*e*).

The *Ludi Miſcelli*, which *Suetonius* makes *Caligula* to have inſtituted at *Lyons* in *France*, ſeem to have been a Miſcellany of Sports, conſiſting of ſeveral Exerciſes join'd together in a new and an unuſual manner (*f*).

The *LUDI FUNEBRES*, aſſign'd for one Species of the *Roman* Publick Games, as to their original and manner, have been already deſcrib'd in the Chapter of the Gladiators. It may be proper to obſerve farther, that *Tertullian* in his particular Tract *De Spectaculis*, as he derives the Cuſtom of the *Gladiatorian* Combats from the Funeral Rites, ſo he takes notice, that the Word *Munus* applied originally to theſe Shows, is no more

(*a*) Idem *Domit.* 4. (*b*) *Dio.* lib. 53. (*c*) ibid. (*d*) *Sueton. Ner.* 11. *Caſaubon.* ad. loc. (*e*) In *Bruto.* (*f*) *Sueton. Cal.* 20. *Torrent.* ad. loc.

than *Officium*, a kind Office, to the dead. We muſt remember too that tho' the Shows of Gladiators, which took their Riſe from hence, were afterwards exhibited on many other occaſions; yet the Primitive Cuſtom of preſenting them at the Funeral of great Men, all along prevailed in the City, and *Roman* Provinces. Nor was it confin'd only to Perſons of Quality, but almoſt every rich Man was honour'd with this Solemnity after his Death. And this they very commonly provided for in their Wills, defining the number of Gladiators, who ſhould be hir'd to engage. In ſo much that when any wealthy Perſon deceas'd, the People us'd to claim a Show of Gladiators, as their due by long Cuſtom. *Suetonius* to this purpoſe tells us of a Funeral, in which the common People extorted Money by force from the deceas'd Perſon's Heirs to be expended on this account (*a*).

Julius Cæſar brought up a new Cuſtom of allowing this Honour to the Women, when he oblig'd the People with a Feaſt, and a publick Show, in memory of his Daughter (*b*).

It is very memorable, that tho' the Exhibitors of theſe Shows were private Perſons, yet during the time of the Celebration they were conſider'd as of the higheſt Rank and Quality; having the Honour to wear the *Prætexta*, and to be waited on by the Lictors and Beadles, who were neceſſary to keep the People in order, and to aſſiſt the *Deſignatores*, or Marſhallers of the Proceſſion (*c*).

(*a*) *Suet. Tib.* 37. (*b*) Idem. *Jul.* 26. (*c*) *Kirckman* de *Funer.* Rom. lib. 4. cap. 8.

CHAP.

CHAP. VIII.

Of the Roman *Habit.*

THE *Roman* Habit has given as much trouble to the Criticks as any other part of Antiquity: And tho' the moſt learned Men have been ſo kind as to leave us their Thoughts on this Subject, yet the Matter is not fully explain'd, and the Controverſies about it admit of no Deciſion. However, without enquiring into the ſeveral Faſhions of the *Romans*, or defining the exact time when they firſt chang'd their leathern Jerkins, and their primitive Hides of wild Beaſts, for the more decent and graceful Attires; it will be ſufficient to the preſent deſign, to obſerve the ſeveral ſorts of Garments in uſe with both Sexes, and to give the beſt diſtinction of them that can be found out at this diſtance.

The two common and celebrated Garments of the *Romans*, were the *Toga* and the *Tunica*.

The *Toga*, or Gown ſeems to have been of a Semicircular Form, without Sleeves, different in largeneſs according to the Wealth or Poverty of the wearer; and us'd only upon occaſion of appearing in publick; whence 'tis often call'd *Veſtis forenſis* (*a*).

The Colour of the Gown is generally believ'd to have been White. The common Objections againſt this Opinion are, how it could then be diſtinguiſh'd from the *Toga Candida*, us'd by Competitors for Offices; or how it comes to paſs that we read particularly of their wearing white Gowns on Holy-days and publick Feſtivals; as in *Horace*;

Ille repotia natales, alioſq; dierum
Feſtos albatus celebret (*b*).-------

if their ordinary Gowns were of the ſame Colour. But both theſe Scruples are eaſily ſolv'd. For between the *Toga Alba* and *Candida* we may aprehend this difference, that the former was the natural colour of the Wool, and the other an artificial White,

(*a*) *Ferrar.* de re Veſtiar. lib. 1. cap. 28. (*b*) Lib. 2. Sat. 2.

which appear'd with a greater advantage of Luſtre; and therefore *Polybius* chuſeth rather to call the Candidates Gown λαμπρὰ than λευκὴ; not of a bare White, but of a bright ſhining colour. For this purpoſe they made uſe of a fine kind of Chalk; whence *Perſius* took the hint of *Cretata ambitio* (*a*). As to the Holy-days or ſolemn Feſtivals, on which we find the *Romans* always attir'd in White, 'tis reaſonable to believe, that all Perſons of any faſhion conſtantly put on new Gowns, which were of the pureſt White on theſe Occaſions: And thoſe of meaner condition might perhaps chalk over their old Gowns, which were now grown ruſty and had almoſt loſt their Colour (*b*).

The Diſpute between *Manutius* and *Sigonius*, whether the *Roman* Gown was tied about with a Girdle or not, is commonly decided in favour of *Manutius*. Yet it muſt be acknowledg'd, that the beſt Authors allow ſome kind of *Cincture* to the Gown; but then it muſt be underſtood to be perform'd only by help of the Gown it ſelf; or by that part of it, which coming under the Right Arm, was drawn over to the Left Shoulder, and ſo covering the *Umbo*, or knot of Plaights, which reſted there, kept the Gown cloſe together. This Lappet *Quintilian* calls the Belt, in his Advice to the *Orators* about this matter: *Ille qui ſub humero dextro ad ſiniſtrum obliquè ducitur, velut balteus, nec ſtrangulet, nec fluat* (*c*).

This *Belt* being loos'd, and the Left Arm drawn in, the Gown flow'd out, and the *Sinus*, or main Lappet hung about the Wearer's Feet This was particularly obſerv'd in *Cæſar*, who commonly let his Gown hang dragging after him: Whence *Sylla* us'd to adviſe the Noblemen, ut *puerum male præcinctum caverent* (*d*).

The accurate *Ferrarius* is certainly in a miſtake as to this Point; for, maintaining that the Gown had no kind of *cinctus* but what they call'd *Gabinus*, he will have this meant only of the *Tunica*: But the plain Words of *Macrobius* make this Suppoſition impoſſible; and *Laciniam trahere* expreſly points out the Gown; for the *Tunick* being only a ſhort Veſt, cannot by any means be conceiv'd to have a Lappet dragging on the Ground (*e*).

The ſame Fault which *Sylla* objected to *Cæſar*, was commonly obſerv'd in *Mæcenas*, and is a mark of that effeminate Softneſs, which makes an unhappy Part of his Character in Hiſtory.

(*a*) Sat. 5. ver. 177. (*b*) *Dipſ.* Elect. lib. 1. cap. 13. (*c*) Inſtitut. lib. 11. cap. 3. (*d*) *Sueton. Jul.* cap. 45. *Macrob.* Saturnal. lib. 2. cap. 3. (*e*) *Grævius* ad *Sueton. Jul.* 45.

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The learned *Grævius* obſerves, that the Word *Præcingi* was proper to the Gown, becauſe the Lappet did not cloſe about the whole Gown, but only the fore-part of it (*a*).

The *Cinctus Gabinus* is moſt happily deſcrib'd by *Ferrarius*: *Cinctus Gabinus non aliud fuit quàm cùm togæ lacinia lævo brachio ſubducta in tergum ita rejiciebatur, ut contracta retraheretur ad pectus atq; ita in nodum necteretur; qui nodus ſive cinctus togam contrahebat, brevioremq; & ſtrictiorem reddidit* (*b*). The Cinctus Gabinus *was nothing elſe, but when the Lappet of the Gown, which us'd to be brought up to the Left-Shoulder, being drawn thence, was caſt off in ſuch a manner upon the Back, as to come round ſhort to the Breaſt, and there faſten in a Knot; which Knot or Cincture tuck'd up the Gown, and made it ſhorter and ſtraighter.* This *Cinctus* was proper only to the Conſuls or Generals, upon ſome extraordinary occaſions; as the denouncing War, burning the Spoils of the Enemy, devoting themſelves to death for the ſafety of their Army, and the like. It was borrow'd from the Inhabitants of *Gabii*, a City of *Campania*, who at the time of a publick Sacrifice, happening to be ſet upon ſuddenly by their Enemies, were oblig'd, thro' haſt, to gather up their Gowns in this manner, and ſo march out to oppoſe them (*c*).

In the ordinary wear the upper part of the Gown us'd to lay over the Right Shoulder; yet upon occaſion 'twas an eaſie matter to draw back that part again, and make it cover the Head. And learned Men are of opinion that the *Romans* while they continued in the City, made uſe of this ſort of covering only for the Head; never appearing in any kind of Caps or Hats, unleſs they were on a Journey out of Town. Thus *Plutarch* informs us of the deference paid to great Men as they paſs'd the Streets: *οἱ Ῥωμαῖοι τῶν ἀνθρώπων τοῖς ἀξίοις τιμῆς ἁπαντῶντες καὶν τύχωσιν ἐπὶ τῆς κεφαλῆς τὸ ἱμάτιον ἔχοντες, ἀποκαλύπτονται.* The Romans *when they meet any Perſon who deſerves a particular reſpect, if they chance to have their Gown on their Head, preſently uncover.* And the ſame Author reckoning up the Marks of Honour which *Sylla* ſhow'd *Pompey*, adds καὶ τῆς κεφαλῆς ἀπάγοντα τὸ ἱμάτιον; *and pulling off his Gown from his Head.*

The ſeveral ſorts of the *Roman* Gowns were the *Toga Prætexta*, the *Pulla*, the *Sordida*, and the *Picta*, *Purpurea*, *Palmata*, &c. or the *Trabea*.

(*a*) Ibidem. (*b*) De re Veſtiar. lib. 1. cap. 14. (*c*) *Servius* ad Virgil. Æneid. 7. v. 612.

Every one knows that the Gown was the diſtinguiſhing Mark of the *Romans* from the *Greeks*, who wore the *Pallium* or Cloak as their common Garment; whence *Togatus* and *Palliatus* are often us'd for *Roman* and *Græcian*. As alſo, that the Gown was the proper Badge of Peace, being generally laid aſide upon engaging in any martial Deſign. Yet it appears from ſeveral Paſſages of *Livy* and *Plutarch*, that it was ſometimes worn in the Camp. If ſo, perhaps the *Equites* and *Centurions* had this peculiar Priviledge, and that only when they lay ſtill in the Camp without any thoughts of ſudden Action; as *Manutius* learnedly conjectures *(a)*.

The *Toga Prætexta* had a Border of Purple round the Edges whence it took its Name, and in alluſion to which the *Græcian* Writers call it περιπόρφυρον. It ſeems Originally to have been appropriated to the Magiſtrates and ſome of the Prieſts, when at firſt introduc'd by *Tullus Hoſtilius*. How it came to be beſtow'd on the young Men is differently related. Some fanſie that *Tarquinius Priſcus* in a Triumph for a Victory againſt the *Sabines*, firſt honour'd his own Son with the *Prætexta* and the *Bulla aurea* as Rewards of his Valour for killing one of the Enemies with his own Hands. For as the former was the Robe of the Magiſtrates, ſo the *Bulla aurea* was till then us'd only by Generals in their Triumphal Proceſſion; being a ſort of hollow golden Ball hanging about their Necks, in which was inclos'd ſome ſecret Amulet, or Preſervative againſt Envy. Others, without regarding this firſt Story, tell us, that the ſame *Tarquin* among other wiſe Conſtitutions, took particular Care in aſſigning the proper Habit to the Boys, and accordingly ordain'd that the Sons of Noblemen ſhould make uſe of the *Prætexta* and the *Bulla aurea*, Provided their Fathers had born any Curule Office; and that the reſt ſhould wear the *Prætexta* only as low as the Sons of thoſe who had ſerv'd on Horſe-back in the Army the full time that the Law requir'd. A third Party referr the Original of this Cuſtom to *Romulus* himſelf, as the Conſequence of a Promiſe made to the *Sabine* Virgins, that he'd beſtow a very conſiderable Mark of Honour on the firſt Child that was born to any of them by a *Roman* Father. Many believe that the Reaſon of giving them the *Bulla* and the *Prætexta* was, that the former, being ſhap'd like a Heart, might as often as they look'd on it be no inconſiderable incitement to Courage; and that the Pur-

(*a*) De Quæſitis per *Epiſt.* lib. 2. Ep. 1.

ple

ple of the Gown might remind them of the Modeſty which became them at that Age (*a*).

But on what account ſoever this Inſtitution took its riſe, it was conſtantly obſerv'd by all the Sons of the *Ingenui*, or Freeborn. The *Libertini* too in ſome time obtain'd the ſame Privilege, only inſtead of the Golden *Bulla* they wore a Leathern one: As *Juvenal* intimates, *Sat.* 5.

——————Etruſcum puero ſi contigit aurum,
Vel nodus tantum & ſignum de paupere Coro.

It's commonly believ'd, that the Boys chang'd this Gown at the Age of fourteen Years for the *Toga Virilis*: But Monſieur *Dacier* makes this a great miſtake. For 'till they were thirteen Years old he ſay's they wore a ſort of Veſt with Sleeves, which they call'd *Alicata Chlamys*, and then left off that to put on the *Prætexta*: Which they did not change 'till they had reach'd the Age of Puberty, or their ſeventeenth Year (*b*).

'Tis a very pertinent Remark, that this *Prætexta* was not only a Token of the Youth and Quality of the Wearer, but beſides this had the Repute of a Sacred Habit, and therefore when they aſſign'd it for the Uſe of the Boys, they had this eſpecial Conſideration, that it might be a kind of Guard or Defence to them againſt the Injuries to which that Age was expos'd (*c*). Thus the poor Boy in *Horace* cries out to the Witch *Canidia* that was tormenting him.

Per hoc inane purpuræ decus Precor. Epod. 5.

And *Perſius* calls it *cuſtos purpura*, in his fifth Satyr. But *Quintilian* moſt expreſly, *Ego vobis allego etiam illud ſacrum prætextarum, quo ſacerdotes velantur; quo Magiſtratus, quo infirmitatem pueritiæ ſacram facimus ac venerabilem* (*d*): 'I alledge too the 'Sacred Habit of the *Prætexta*, the Robe of Prieſts and Magi'ſtrates; and that by which we derive an holy Reverence and 'Veneration to the helpleſs Condition of Childhood.

We find farther that the Citizens Daughters were allow'd a ſort of *Prætexta*, which they wore 'till the Day of Marriage. Thus *Cicero* againſt *Verres*, *Eripies pupillæ togam prætextam* And *Propertius*, *Mox ubi jam facibus ceſſit Prætexta marito*. The *Prætorii* and *Conſulares* too, (if not all the Senators) at the *Ludi Roma-*

(*a*) *Macrob.* Saturnal. lib. 1. cap. 6. (*b*) *Dacier* on *Horace*. Lib. 5. Od. 5. (*c*) *Dacier* ibid. (*d*) In Declamat.

ni made uſe of the *Prætexta* (*a*). And the Matrons on the *Capotine Nones*, celebrated the Feſtival in this ſort of Gown (*b*).

The *Toga pura* was the ordinary Garment of private Perſons, when they appear'd abroad, ſo call'd becauſe it had not the leaſt addition of Purple to the White. We meet with the ſame Gown under the Name of *Virilis* and *Libera*. It was call'd *Toga Virilis*, or the *Manly* Gown; becauſe when the Youths came to Man's Eſtate, or to the Age of ſeventeen Years, they chang'd the *Prætexta* for this Habit, as was before obſerv'd. On which Occaſion the Friends of the Youngſter carried him into the *Forum* (or ſometimes into the Capitol) and attir'd him in the new Gown with abundance of Ceremony. This they call'd *dies tyrocinii*, the day on which he commenc'd a *Tyro*, in relation to the Army where he was now capacitated to ſerve.

It had the Name of *Toga libera*, becauſe at this time the young Men entred on a State of Freedom and were deliver'd from the Power of their Tutors and Inſtructors. Thus the young Gentleman intimates in *Perſius*.

Cùm primùm pavido cuſtos mihi purpura ceſſit,
Bullaq; ſuccinctis laribus donata pependit;
Cùm blandi Comites, totâq; impune ſuburrâ
Permiſit ſparſiſſe oculos jam candidus umbo. Sat. 5.

When firſt my Childiſh Robe reſign'd its Charge,
And left me unconfin'd to live at large.
When now my Golden *Bulla* (hung on high
To Houſhold Gods) declar'd me paſt a Boy,
And my white Plaights proclaim'd my Liberty:
When with my wild Companions I could rowl
From Street to Street; and ſin without controul. Mr. *Dryden.*

But for all this Liberty they had one remarkable reſtraint; being oblig'd for the firſt whole Year to keep their Arms within their Gown, as an Argument of Modeſty. This *Cicero* obſerves: *Nobis quidem olim annus erat unus ad cohibendum brachium togâ conſtitutus* (*c*).

The *Toga pulla* and *Sordida* are very commonly confounded. Yet upon a ſtrict Enquiry it will appear that the firſt ſort was proper to Perſons in Mourning, being made of black Cloath, whence the Perſons were call'd *atrati*. The *Toga ſordida* was Black as well as the other, but from a different Cauſe, having grown ſo by the long wearing and ſullying of it: And this (as

(*a*) *Cicero* Philipp. 2. (*b*) *Varro* de Ling. Lat. lib. 5. (*c*) *Cicero* pro *Cœlio*.

has

has been already obſerv'd) was worn by the Priſoners at their Tryal, as well as by the ordinary People. It may here be remark'd that the *Pullati* whom we meet with in the Claſſics, were not only thoſe who wore the *Toga pulla* or the *Toga ſordida*, but ſuch too as were attir'd in the *Penulæ* or *Lacernæ* which were uſually Black. Thus the Learned *Caſaubon* interprets *pullatorum turba* in *Suetonius* (*a*): and *Quinctilian* calls the Rabble *pullatus circulus* (*b*) and *pullata turba* (*c*). Hence it may reaſonably be conjectur'd that when the *Roman* State was turn'd into a Monarchy, the Gown began to be laid aſide by Men of the lower Rank, the *Penulæ* and *Lacernæ* being introduc'd in their room, and commonly worn without them, or ſometimes over them. This irregularity had gain'd a great Head even in *Auguſtus* his time; who to rectifie it in ſome Meaſure, commanded the *Ædiles* that they ſhou'd ſuffer no Perſon in the *Forum* or *Circus* to wear the *Lacerna* over his Gown; as was then an ordinary Practice. The ſame excellent Prince taking notice at a publick Meeting of an innumerable Company of Rabble in theſe indecent Habits, cried out with Indignation,

——————————*En*
Romanos rerum dominos gentemq; togatam (*d*)*!*

The *Toga picta*, *purpurea*, *palmata*, the Conſular *Trabea*, the *Paludamentum* and the *Chlamys* had very little Difference, and are promiſcuouſly us'd one for the other; being the Robes of State proper to the Kings, Conſuls, Emperours, and all Generals during their Triumph. This ſort of Gown was call'd *Picta* from the rich Embroidery, with Figures in *Phrygian*-Work: And *purpurea*, becauſe the Ground-Work was Purple. The *Toga palmata* indeed very ſeldom occurs, but may probably be ſuppos'd the ſame with the Former, call'd ſo on the ſame Account as the *Tunica palmata*, which will be deſcrib'd hereafter. That it was a part of the Triumphal habit *Martial* intimates.

I comes, & magnis illæſa merere triumphis,
Palmataq; ducem (*ſed citò*) *redde togæ.*

Antiquaries are very little agreed in reference to the *Trabea*. *Paulus Manutius* was certainly out when he fancied it to be the ſame as the *Toga picta*, and he is accordingly corrected by *Grævius* (*e*). The vulgar Opinion follows the diſtinction of *Ser-*

(*a*) *Auguſt.* cap. 40. (*b*) Lib. 2. cap. 12. (*c*) Lib. 6. cap. 4. (*d*) *Sueton. Auguſt.* cap. 40. (*e*) Præfat. ad 1. Vol. *Thes. Rom.*

vius

vius and *Scaliger* into three ſorts, one Proper to the Kings, another to the Conſuls, and a third to the *Augurs*. But *Lipſius* (*a*) and *Rubenius* (*b*) acknowledge only one proper Sort of *Trabea* belonging to the Kings: Being a white Gown, border'd with Purple, and adorn'd with *clavi* or *trabes* of Scarlet. Whereas the Veſts of the Conſuls, and the Augurs, and the Emperours were call'd by the ſame Name, only, becauſe they were made in the ſame Form. For the old *Paludamentum* of the Generals was all Scarlet, only border'd with Purple; and the *Chlamydes* of the Emperours were all Purple, commonly beautify'd with a golden or embroyder'd Border.

Sidoniam picto chlamydem circumdata limbo. Virg. Æn. 4.

When the Emperours were themſelves Conſuls, they wore *Trabea* adorn'd with Gems, which were allow'd to none elſe. *Claudian* in his Poems on the Third, Fourth and Sixth Conſulſhip of *Honorius*, alludes expreſly to this Cuſtom.

——————Cinctuſq; mutata Gabinos
Dives Hydaſpæis augeſcat purpura gemmis.

And again,

——————Aſperat Indus
Velamenta lapis, pretioſaq; fila ſmaragdis
Ducta virent.——————

And in the laſt,

Membraq; gemmato trabeæ viridantia cinctu.

There are ſeveral other Names under which we ſometimes find the Gown, which have not yet been explained, nor wou'd be of much Uſe if throughly underſtood: Such as the *Toga undulata, ſericulata, raſa, paverata, Phryxiana, ſcutulata*, &c. See *Ferrar.* de Re Veſt. lib. 2. cap. 10.

The *Tunica*, or cloſe Coat, was the common Garment worn within Doors by it ſelf, and abroad under the Gown. The *Proletarii*, the *Capitecenſi* and the reſt of the Dregs of the City, could not afford to wear the *Toga*, and ſo went about in their *Tunics*, whence *Horace* call's the Rabble *tunicatus popellus*, and the Author of the Dialogue *de claris Oratoribus*, *populus tunicatus*. The

(*a*) Ad *Tacit.* Ann. 3. (*b*) De re Veſtiar. & præcipue de laticlavo. lib. 1. cap. 5.

old

old *Romans* (as *Gellius* informs us *(a)*) at firſt were cloath'd only in the Gown. In a little time they found the Convenience of a ſhort ſtrait *Tunic*, that did not cover the Arms; ſuch as the *Græcians* call'd ἐξωμίδες. Afterwards they had Sleeves coming down to the Elbow, but no farther. Hence *Suetonius* tells us that *Cæſar* was remarkable in his Habit, becauſe he wore the *Laticlavian Tunick*, clos'd with Gatherings about his Wriſt *(b)*. *Rubenius* thinks he might do this piece of Singularity to ſhow himſelf deſcended from the *Trojans*, to whom *Romulus* objects, in *Virgil*, as an Argument of their Effeminacy,

Et tunicæ manicas, & habent redimicula mitræ (c).

And *Iulus* or *Aſcanius* is ſtill to be ſeen dreſs'd after the ſame Faſhion in ſome old Gemms *(d)*.

Yet in the Declenſion of the Empire, the *Tunics* did not only reach down to the Ankles, whence they were call'd *Talares*, but had Sleeves too coming down to the Hands, which gave them the Name of *Chirodotæ*. And now it was counted as Scandalous to appear without Sleeves, as it had been hitherto to be ſeen in them. And therefore in the Writers of that Age, we commonly find the accuſed Perſons at a Tryal habited in the *Tunick* without Sleeves, as a mark of Infamy and Diſgrace *(e)*.

The ſeveral ſorts of the *Tunic*, were the *Palmata*, the *Auguſticlavia*, and the *Laticlavia*.

The *Tunica Palmata* was worn by Generals in a Triumph, and perhaps always under the *Toga picta*. It had its Name either from the great breadth of the *Clavi*, equal to the Palm of the Hand; or elſe from the Figures of Palms, embroyder'd on it *(f)*.

The whole Body of the Criticks are ſtrangely divided about the *Clavi*. Some fanſie them to have been a kind of Flowers interwoven in the Cloth: Others will have them to be the Buttons or Claſps by which the *Tunick* was held together. A Third ſort contend that the *Latus clavus* was nothing elſe but a *Tunick* bord'er'd with Purple. *Scaliger* thinks the *Clavi* did not belong properly to the Veſt, but hung down from the Neck, like Chains, and Ornaments of that Nature. But the moſt general Opinion makes them to have been Studs or Purls ſomething like Heads of Nails, of Purple or Gold work'd into the *Tunic*.

All the former Conjectures are learnedly refuted by the accurate *Rubenius*, who endeavours to prove, that the *clavi* were no

(*a*) Lib. 7. cap. 12. (*b*) *Suet. Jul.* cap. 45. (*c*) Æneid. 11. (*d*) *Rubenius* de Laticlav. lib. 1. cap. 12. (*e*) ibidem. (*f*) *Feſtus* in voce.

more

more than purple Lines or Streaks coming along the middle of the Garments, which were afterwards improv'd to golden and embroyder'd Lines of the ſame Nature. We muſt not therefore ſuppoſe them to have receiv'd their Name, as an immediate alluſion to the Heads of Nails, to which they bore no Reſemblance; but may remember that the Ancients us'd to inlay their Cups and other precious Utenſils with Studs of Gold, or other Ornamental Materials. Theſe from their likeneſs to Nailheads they call'd in general *Clavi*. So that it was very natural to bring the ſame Word to ſignifie theſe Lines of Purple or other Colours which were of a different Kind from all the reſt of the Garment; as thoſe ancient *Clavi* were of a different Colour and Figure from the Veſſels which they adorn'd.

Theſe Streaks were either tranſverſe or ſtraight down the Veſt; the former were uſed only in the Liveries of the *Popæ* and other public Servants; by the Muſicians, and ſome Companies of Artificers, and now and then by the Woman; being term'd *Paragaudæ*. The proper *Clavi* came ſtraight down the Veſt, one of them making the *Tunic*, which they call'd the Anguſticlave, and two the Laticlave.

However this Opinion has been applauded by the Learned, Monſieur *Dacier*'s Judgment of the Matter cannot fail to meet with as kind Reception.

He tells us that the *Clavi* were no more than purple Galoons, with which they border'd the fore Part of the *Tunic*, on both Sides, in the Place where it came together. The broad Galoons made the *Laticlave*, and the narrow the *Anguſticlave*. Therefore they are ſtrangely miſtaken who make the only Difference between the two Veſts to conſiſt in this, that the one had but a ſingle *Clavus*, the other two, and that the Senatorian *Clavus* being in the middle of the Veſt cou'd poſſibly be but one. For 'tis very plain they had each of them two Galoons binding the two Sides of the Coat where it open'd before; ſo that joining together with the Sides they appear'd juſt in the Middle; whence the *Greeks* call'd ſuch a Veſt μιτυπόρφυρον. That the Galoons were ſow'd on both ſides of the Coat, is evident beyond Diſpute from the following Paſſage of *Varro*, *nam ſi quis tunicam ita conſuit, ut altera plagula ſit anguſtis clavis, altera latis, utraq; pars in ſuo genere caret analogiâ. For if any one ſhou'd ſow a Coat in this Manner, that one Side ſhou'd have a broad Galoon, and the other a narrow one, neither part has any thing properly anſwering to it.* As to the Name of the *Clavi*, he thinks there needs no farther Reaſon be given,

given, than that the Ancients call'd any thing which was made with Deſign to be put upon another thing *Clavus* (*a*).

It has been a receiv'd Opinion that the *Anguſticlave* diſtinguiſh'd the Knights from the Common-People, in the ſame Manner as the *Laticlave* did the Senators from thoſe of the Equeſtrian Rank. But *Rubenius* averrs that there was no manner of Difference between the *Tunics* of the Knights, and thoſe of the Commons. This Conjecture ſeems to be favour'd by *Appian* in the ſecond Book of his Hiſtory, where he tells us, ὁ δελδίων ἐστὶ, τὸ σχῆμα τοῖς δεσπόταις ὅμοιος. χωρὶς γὲ τῆς βουλευτικῆς ἡ ἄλλη στολὴ τοῖς θεραπευσὶν ἐπίκοινος. *The Slave in Habit goes like his Maſter; and excepting only the Senator's Robe, all other Garments are common to the Servants.* And *Pliny*, when he ſays that the Rings diſtinguiſh'd the Equeſtrian Order from the Common-People, as their *Tunick* did the Senate from thoſe that wore the Rings; wou'd not probably have omitted the other Diſtinction had it been real. Beſides both theſe Authorities *Lampridius* in the Life of *Alexander Severus* confirms the preſent Aſſertion. He acquaints us that the aforeſaid Emperour had ſome Thoughts of aſſigning a proper Habit to Servants different from that of their Maſters: But his great Lawyers *Ulpian* and *Paulus* diſſuaded him from the Project, as what wou'd infallibly give Occaſion to much quarrelling and diſſenſion; ſo that upon the whole he was contented only to diſtinguiſh the Senators from the Knights by their *Clavus*.

But all this Argument will come to nothing unleſs we can clear the Point about the uſe of Purple, among the *Romans*, which the *Civilians* tell us was ſtrictly forbid the Common-People under the Emperours. It may therefore be obſerv'd that all the Prohibitions of this Nature, are reſtrain'd to ſome particular ſpecies of Purple. Thus *Julius Cæſar* forbad the uſe of the *Conchilian* Garments, or the ἀλυσγίδες (*b*). And *Nero* afterwards prohibited the ordinary Uſe of the Amethyſtine or *Tyrian* Purple (*c*). Theſe Conjectures of *Rubenius* need no better confirmation than that they are repeated and approv'd by the moſt judicious *Grævius* (*d*).

According to this Opinion it is an eaſie Matter to reconcile the great Conteſt between *Manutius* and *Lipſius* and the inferior Criticks of both Parties about the Colour of the *Tunic*, the former aſſerting it to be Purple, and the other White: For 'tis evident it might be call'd either if we ſuppoſe the Ground-Work to have been White, with the addition of theſe Purple Lifts or Galoons.

(*a*) *Dacier* on *Horace*, lib. 1 Sat. 5. (*b*) *Sueton. Jul.* cap. 43. (*c*) Idem *Nero*, cap. 32. (*d*) Ad *Sueton. Jul.* 43. *Otho.* 10. *Domitian.* 10.

As

As to the Perſons who had the Honour of wearing the *Laticlave* it may be maintain'd, that the Sons of thoſe *Senators* who were *Patritians* had the Privilege of uſing this Veſt in their Childhood together with the *Prætexta*. But the Sons of thoſe *Senators* as were not *Patritians*, did not put on the *Laticlave* 'till they applied themſelves to the Service of the Common-Wealth, and to bearing Offices (*a*). Yet *Auguſtus* chang'd this Cuſtom and gave the Sons of any *Senators* leave to aſſume the *Laticlave* preſently after the time of their putting on the *Toga Virilis*, tho' they were not yet capable of Honours (*b*). And by the particular Favour of the Emperours, the ſame Privilege was allow'd to the more ſpendid Families of the Knights. Thus *Ovid* ſpeaks of himſelf and Brother, who are known to have been of the *Equeſtrian* Order.

Intereà, tacito paſſu, labentibus annis,
Liberior fratri ſumpta mihiq; toga;
Induiturq; humeris, cum lato purpura clavo, &c. (*c*).

And *Statius* of *Metius Celer*, whom in another Place he terms *Splendidiſſimus* (*d*), (the proper Stile of the Knights)

——— *Puer hic ſudavit in armis*
Notus adhuc tantùm majoris munere clavi (*e*).

Beſide the Gown and *Tunic* we hardly meet with any Garments of the *Roman* Original, or that deſerve the Labour of an enquiry into their Difference. Yet among theſe the *Lacerna* and the *Penula* occur more frequently than any other. In the old Gloſs upon *Perſius* Sat. 1. Verſe 68. they are both call'd *Pallia*; which identity of Names might probably ariſe from the near reſemblance they bore one to the other and both to the *Græcian Pallium*. The *Lacerna* was firſt us'd in the Camp, but afterwards admitted into the City, and worn upon their Gowns to defend them from the Weather. The *Penula* was ſometimes us'd with the ſame Deſign, but being ſhorter and fitter for expedition, it was chiefly worn upon a Journey (*f*).

Rubenius will have the *Lacerna* and the *Penula* to be both cloſe-bodied kind of Frocks, girt about in the Middle, the only Difference between them being that the *Penulæ* were always Brown, the *Lacernæ* of no certain Colour; and that the *Cucullus* the Cowl or Hood was ſow'd on the former, but worn as a diſtinct thing

(*a*) See *Pliny*. Lib. 8. Epiſt 23. (*b*) *Sueton* Aug. cap. 37. (*c*) *Triſtium* Lib. 4. Eleg. 10. (*d*) Præfat. ad lib. 3. Sylvarum. (*e*) Sylv. lib. 3. carm. 2. (*f*) See *Lipſ.* Elect. lib. 1. cap. 13. Dr. *Holyday* on *Juvenal* Sat. 1.

from

from the other (*a*). But *Ferrarius* who has ſpent a whole Book in animadverting on that Author, wonders that any Body ſhou'd be ſo Ignorant, as not to know theſe two Garments to have been of a quite diſtinct Species (*b*).

It will be expected that the Habits of the *Roman* Prieſts ſhou'd be particularly deſcrib'd; but we have no certain Intelligence, only what concerns the chief of them, the Augurs, the Flamens, and the Pontifices. The Augurs wore the *Trabea* firſt dy'd with Scarlet, and afterwards with Purple. *Rubenius* takes the Robe which *Herod* in Deriſion put on our Saviour to have been of this Nature, becauſe St. *Matthew* calls it Scarlet, and St. *Luke* Purple. *Cicero* uſeth *Dibaphus* (*a Garment twice dy'd*) for the Augural Robe (*c*).

The proper Robe of the *Flamens* was the *Læna* a ſort of Purple *Chlamys*, or almoſt a double Gown, faſtn'd about the Neck with a Buckle or Claſp. It was interwoven curiouſly with Gold, ſo as to appear very Splendid and Magnificent. Thus *Virgil* deſcribes his Hero in this Habit.

———*Tirioq; ardebat murice læna*
Demiſſa ex humerũ: dives quæ munera Dido
Fecerat, & tenui telas diſcreverat auro. Æn. 4.

The Pontiffs had the honour of uſing the *Prætexta*; and ſo had the *Epulones*, as we learn from *Livy*. Lib. 43.

The Prieſts were remarkable for their modeſty in Apparel, and therefore they made uſe only of the Common-purple, never affecting the more Chargeable and Splendid. Thus *Cicero*, *Veſtitus aſper noſtrâ hâc purpurâ plebeiâ ac penè fuſcâ* (*d*). He calls it *our Purple* becauſe he himſelf was a Member of the College of *Augurs*.

There are two farther Remarks which may be made in reference to the Habits in general. Firſt that in the time of any publick Calamity, 'twas an uſual Cuſtom to change their Apparel, as an Argument of Humility and Contrition; of which we meet with many Inſtances in Hiſtory. On ſuch Occaſions the Senators laid by the *Laticlave*, and appear'd only in the Habit of Knights. The Magiſtrates threw aſide the *Prætexta*, and came abroad in the Senatorian Garb. The Knights left off their Rings, and the Commons chang'd their Gowns for the *Sagum* or Military Coat (*e*).

(*a*) De Laticlav. lib. 1. cap. 6. (*b*) Analect. de Re Veſt. cap. ult. (*c*) Epiſt. Famil. Lib. 2. Epiſt. 16. (*d*) Pro *Seſtio*. (*e*) See *Ferrar.* de Re Veſtiar. lib. 1. cap. 27.

The other Remark is the Obſervation of the great *Caſaubon*, that the Habit of the Ancients, and particularly of the *Romans*, in no Reſpect differ'd more from the Modern Dreſs, than in that they had nothing anſwering to our breeches and Stockins which if we were to expreſs in *Latin*, we ſhou'd call *femoralia* and *tibialia*. Yet inſtead of theſe under their lower Tunics or Waſtcoats, they ſometimes bound their Thighs and Legs round with Silken Scarfs or *faſciæ*; tho' theſe had now and then the Name of *fœminalia* or *femoralia* and *tibialia*, from the Parts to which they were apply'd (*a*).

As to the Habit of the other Sex, in the ancient Times of the Common-wealth the Gown was us'd alike by Men and Women (*b*). Afterwards the Women took up the *Stola* and the *Palla* for their ſeparate Dreſs. The *Stola* was their ordinary Veſt, worn within Doors, coming down to their Ankles: When they went abroad they flung over it the *Palla* or *Pallium*, a long open Manteau (*c*), which cover'd the *Stola* and their whole Body. Thus *Horace*,

Ad talos ſtola demiſſa & circumdata pallâ (*d*).

And *Virgil*, deſcribing the Habit of *Camilla*,

Pro crinali auro, pro longæ tegmine pallæ
Tigridis exuviæ per dorſum à vertice pendent (*e*).

Rubenius has found this Difference in the *Stolæ*, that thoſe of the ordinary Women were White, trimm'd with a Golden Border; and thoſe of Ladies of Quality Purple with Golden Purls (*f*).

They dreſt their Heads with what they call'd *Vittæ* and *Faſciæ*, Ribbonds and thin Saſhes; and the laſt Sort they twiſted round their whole Body, next to the Skin, to make them Slender; to which *Terence* alludes in his *Eunuch* (*g*).

Haud ſimilis virgo eſt virginum noſtrarum quas matres ſtudent
Demiſſis humeris eſſe, vincto pectore, ut graciles ſient.

The former *Ovid* makes to be the diſtinguiſhing Badge of honeſt Matrons and chaſte Virgins.

Eſte procul vittæ tenues inſigne pudorïs (*h*).

And diſcribing the chaſte *Daphne*, he ſays,

(*a*) *Sueton. Auguſt.* cap. 82. *Caſaubon* ad locum. (*b*) Vid. *Ferrar.* de re veſt. lib. 3. cap. 17. (*c*) *Dacier* on *Horace*. lib. 1. Sat. 2. ver. 99. (*d*) *Horace* ibid. (*e*) Æn. 11. ver. 576. (*f*) De Laticlav. lib. 1. cap. 16. (*g*) Act. 2. Scen. 4. (*h*) De Art. Amand. lib. 1.

Vitta

Vitta coercebat poſitos ſine lege capillos (*a*).

It's very obſervable that the Common Courtezans were not allow'd to appear in the *Stola*, but oblig'd to wear a ſort of Gown, as a Mark of Infamy, by reaſon of its Reſemblance to the Habit of the oppoſite Sex. Hence in that place of *Horace*.

——————*Quid intereſt in matronâ, ancillâ pecceſve togatâ?* L. 1. S. 2. V. 63.

The moſt judicious *Dacier* underſtands by *Togata* the common Strumpet, in oppoſition both to the Matron and the Serving-Maid. Some have thought that the Women (on ſome Account or other) wore the *Lacerna* too: But the riſe of this Fancy is owing to their Miſtake of that Verſe in *Juvenal*,

Ipſe lacernatæ cùm ſe jactaret amicæ.

Where it muſt be obſerv'd that the Poet does not ſpeak of the ordinary Miſſes, but of the Eunuch *Sporus*, upon whom *Nero* made an Experiment in order to change his Sex. So that *Juvenal's Lacernata amica* is no more than if we ſhou'd ſay a *Miſtreſs in Breeches*.

The Attire of the Head and Feet will take in all that remains of this Subject. As to the firſt of theſe it has been a former Remark that the *Romans* ordinarily us'd none, except the Lappit of their Gown; and this was not a conſtant Cover, but only occaſional, to avoid the Rain, or Sun, or other accidental Inconveniences. Hence it is that we ſee none of the old Statues with any thing on their Heads, beſides now and then a Wreath, or ſomething of that Nature. *Euſtathius* on the firſt of the *Odyſſes*, tells us that the *Latins* deriv'd this Cuſtom of going bareheaded from the *Greeks*; it being notorious that in the Age of the Heroes, no kinds of Hats or Caps were at all in Faſhion: Nor is there any ſuch thing to be met with in *Homer*. Yet at ſome particular Times we find the *Romans* uſing ſome ſort of Covering for the Head; as at the *Sacrifices*, at the Publick Games, at the Feaſt of *Saturn*, upon a Journey, or a warlike Expedition. Some Perſons too were allow'd to have their Heads always cover'd; as Men who had been lately made Free, and were thereupon ſhav'd cloſe on their Head, might wear the *Pileus*, both as a Defence from the Cold, and as a Badge of their Liberty. And the ſame Privilege was granted to Perſons under any Indiſpoſition (*b*).

(*a*) Metamorph. lib. 1. Fab. 9. (*b*) *Lipſius* de Amphithe. cap. 19.

As for the ſeveral ſorts of Coverings deſign'd for theſe Uſes, many of them have been long confounded beyond any poſſibility of a Diſtinction: And the Learned *Salmaſius* (*a*) has obſerv'd that the *Mitra*, the *Pileus*, the *Cucullus*, the *Galerus* and the *Palliolum*, were all Coverings of the Head, very little differing from one another, and promiſcuouſly us'd by Authors. However there are ſome of them which deſerve a more particular Enquiry.

The *Galerus Voſſius*(*c*) derives from *Galea*, the *Roman* Helmet, to which we muſt ſuppoſe it to have born ſome Reſemblance, *Servius*, when he reckons up the ſeveral ſorts of the Prieſt's Caps, makes the *Galerus* one of them, being compos'd of the Skin of the Beaſt offer'd in Sacrifice: The other Two being the *Apex*, a ſtitch'd Cap in the form of a Helmet, with the addition of a little ſtick fix'd on the top, and wound about with white Wool; properly belonging to the *Flamines*; and the *Tutulus* a Woollen Turban much like the former, proper to the High-Prieſt. By the *Galerus* it's likely he means the *Albo-Galerus* made of the Skin of a white Beaſt offer'd in Sacrifice, with the addition of ſome Twigs taken from a Wild-Olive-Tree; and belonging only to *Jupiter*'s *Flamen*. Yet we find a ſort of *Galerus* in uſe among the ordinary Men; and the *Galericulum* (which ſome do call *Galerus*) common to both Sexes. This was a Skin ſo neatly dreſs'd with Man or Women's Hair, that it cou'd not eaſily de diſtinguiſh'd from the Natural. It was particularly us'd by thoſe who had thin Heads of Hair; as *Sueton* reports of *Nero* (*b*): As alſo by the Wraſtlers to keep their own Hair from receiving any Damage by the naſty Oyls with which they were rubb'd all over before they exercis'd. This we learn from *Martial*'s Diſtich on the *Galericulum*.

Ne lutet immundum nitidos ceroma capillos
Hâc poteris madidas condere pelle comas:

The *Pileus* was the ordinary Cap or Hat worn at Publick Shews and Sacrifices, and by the Freed-Men. For a Journey they had the *Petaſius*, differing only from the former in that it had broader Brims, and bore a nearer Reſemblance to our Hats, as appears from the common Pictures of *Mercury*: And hence it took its Name from πίλάννυμι to open or ſpread out (*d*).

The *Mitra*, the *Tiara*, and the *Diadem*, tho' we often meet with them in *Roman* Authors, are none of them beholden to that Nation for their Original. The Mitre ſeems to owe its Inventi-

(*a*) a *Vopiſc.* & ad *Grævii Sueton. Claud.* 2. (*b*) Cap. 12. (*c*) *Voſſius* Etymolog. in v. *Petaſus*. (*d*) *Lipſius* de Amphitheat. cap. 19.

on

on to the *Trojans*; being a crooked Cap, tied under the Chin with Ribbons. It belong'd only to the Women among the *Romans*; and is attributed to the foreign Courtezans that ſet up their Trade in that City: ſuch as the

——— *Pictâ lupa barbara mitrâ*

in *Juvenal*. Yet among the *Trojans* we find it in uſe among the Men. Thus *Remulus* ſcouts them in *Virgil*.

Et tunicæ manicas & habent redimicula mitræ:
O verè Phrygiæ; neq; enim Phryges (a)!

And even *Æneas* himſelf is by *Iarbas* deſcrib'd in this Dreſs.

Mœoniâ mentum mitrâ crinemq; madentem
Subnexus Æn. 4. 216.

The *Tiara* was the Cap of State us'd by all the Eaſtern Kings, and Great Men, only with this difference, that the Princes wore it with a ſharp ſtrait Top, and the Nobles with the Point a little bending downwards (*b*).

The *Diadem* belong'd to the Kings of *Rome* as well as to the foreign Princes. This ſeems to have been no more than a white Scarf or *Faſcia* bound about the Head like that which compoſeth the *Turkiſh* Turban: Thoſe who are willing to find ſome nearer Reſemblance between the *Diadem* and our Modern Crowns, may be convinc'd of their Miſtake from that Paſſage of *Plutarch*, where he tells us of a Princeſs that made uſe of her Diadem to hang her ſelf with (*c*).

Theſe white *Faſciæ* among the *Romans* were always look'd on as the Marks of Sovereignty; and therefore when *Pompey* the Great appear'd commonly abroad with a white Scarf wound about his Leg, upon pretence of a Bruiſe or an Ulcer, thoſe who were jealous of his growing Power, did not fail to interpret it as an Omen of his affecting the ſupreme Command, and one *Favonius* plainly told him, it made little Odds on what Part he wore the *Diadem*, the Intention being much the ſame (*d*).

To deſcend to the Feet, the ſeveral ſorts of the *Roman* Shoes, Slippers, *&c.* which moſt frequently occur in reading, are the *Perones*, the *Calcei lunati*, the *Mullei*, the *Soleæ* and *Crepidæ*, and the *Caligæ*; beſides the *Cothurnus* and *Soccus* which have been already deſcrib'd.

(*a*) Æn. 9. 616. (*b*) *Dempſter* ad *Roſin* lib. 5. cap. 35. (*c*) *Plut.* in *Lucull.* (*d*) *Valer. Max.* lib. 6. cap. 2.

The *Perones* were a kind of High-Shooes rudely form'd of raw Hides, and reaching up to the Middle of the Leg. They were not only us'd by the Country-People, as ſome imagine; but in the City too by Men of ordinary Rank. Nay, *Rubenius* averrs that in the elder times of the Common-Wealth, the Senators as well as others went in the *Pero's* (*a*). However when they came to be a little poliſh'd they left this clumſy Wear to the Plough-Men and Labourers; and we ſcarce find them applied to any one elſe by the Authors of the flouriſhing Ages. Thus *Perſius* brings in the.

——— *Peronatus arator*; S. 5. V. 102.

And *Juvenal*

——— *Quem non pudet alto*
Per glaciem perone tegi. ——— S. 14. V. 186.

Virgil indeed makes ſome of his Soldiers wear the *Pero*: But then they were only a company of plain Ruſticks, *Legio agreſtis*, as he calls them; and beſides they wore it but on one Foot.

——— *Veſtigia nuda ſiniſtri*
Inſtituere pedi, crudus tegit altera pero. Æn. 7. 690.

The *Calcei Lunati* were proper to the Patritians to diſtinguiſh them from the Vulgar, ſo call'd from an Half-Moon in Ivory worn upon them. *Baldwin* will have the Half-Moon to have ſerv'd in ſtead of a *Fibula* or Buckle (*b*): But *Rubenius* (*c*) refutes this Conjecture, by ſhowing from *Philoſtratus*, that it was worn by way of Ornament, not on the fore-part of the Shooe like the Buckle, but about the Ankle. *Plutarch* in his *Roman* Queſtions gives abundance of Reaſons why they us'd the Half-Moon rather than any other Figure; but none of his Fancies have met with any Approbation from the Learned. The common Opinion makes this Cuſtom an alluſion to the Number of Senators at their firſt inſtitution; which being an Hundred was Signified by the Numeral Letter C.

Yet the *Patritians* before they arriv'd at the Senatorian Age, and even before they put on the *Prætexta* had the Privilege of uſing the Half-Moon on their Shooes. Thus *Statius* Sylv. 5.

Sic te clare puer genitum ſibi curia ſenſit:
Primaq; Patritiâ clauſit veſtigia lunâ.

(*a*) De Laticlav. lib. 2. cap. 1. (*b*) De Calceo. Antiqu. cap. 9. (*c*) De Laticlav. lib. 2. cap.

As

As for the Senators who were not *Patritians* they did not indeed wear the Half-Moon, but that Ornament ſeems not to have been the only Difference between the Senatorian and the common Shooes. For the former are commonly repreſented as Black, and coming up to the middle of the Leg; as in *Horace* Book 1. Sat. 6.

——*Nigrâ medium impediit crus*
Pellibus.

Rubenius will have this underſtood only of the Four black Straps, which he ſays faſten'd the Senators Shooes, being ty'd pretty high on the Leg (*a*). *Dacier* tells us the Senators had two ſorts of Shooes one for Summer, and the other for Winter. The Summer Shooes he deſcribes with ſuch Leathern Straps croſſing one another many times about the Leg, and nothing but a Sole at the Bottom. Theſe he calls *Campagi*: (tho' *Rubenius* attributes this Name to a ſort of *Caligæ* worn by the Senators under the later Emperours (*b*).) The Winter-Shooes he ſays were made of an entire black Skin, or ſometimes of a white one reaching up to cover the greateſt part of the Leg, without any open Place except on the Top (*c*).

It's uncertain whether the *Calcei Mullei* were ſo call'd from the Colour of the Mullet, or whether they lent a Name to that Fiſh from their reddiſh Dye. They were at firſt the peculiar Wear of the *Alban* Kings, afterwards of the Kings of *Rome*, and upon the Eſtabliſhment of the free State were appropriated to thoſe Perſons who had born any *Curule* Office; but perhaps they might be worn only on great Days at the Celebration of ſome Publick Sports, when they were attir'd in the whole Triumphal Habit, of which too theſe Shooes made a part. *Julius Cæſar*, as he was very ſingular in his whole Habit, ſo was particularly remarkable for wearing the *Mullei* on ordinary Days; which he did to ſhow his Deſcent from the *Alban* Kings (*d*). In Colour and Faſhion they reſembled the *Cothurni*, comming up to the middle Leg, tho' they did not cover the whole Foot but only the Sole like Sandals (*e*). *Dacier* informs us that at ſuch time as the Emperours took up the uſe of theſe red Shooes, the *Curule* Magiſtrates chang'd the Faſhion for Embroyder'd ones (*f*).

The *Roman Soleæ* were a ſort of Sandals or Pantofles without any Upper-Leather, ſo that they cover'd only the Sole of the Foot,

(*a*) De re Veſt. lib. 2. cap. 3. (*b*) Ibid. cap. 5. (*c*) *Dacier* on Horace Book. 1. Sat. 6. (*d*) *Dio*, lib. 49. (*e*) Lib. 2. cap. 2. (*f*) *Dacier* on Horace Book. 1. Sat. 6.

being faſten'd above with Straps and Buckles. Theſe were the ordinary Faſhion of the Women, and therefore counted Scandalous in the other Sex. Thus *Cicero* expoſeth *Verres* (*a*), and *Clodius* (*b*) for uſing this indecent Wear, and *Livy* acquaints us that the great *Scipio* was cenſur'd on the ſame Account (*c*). Yet upon all Occaſions of Mirth and Recreation or lawful Indulgence 'twas Cuſtomary for the Men to go thus looſly ſhod. As at Entertainments, and at the Publick Shews of all ſorts in the Circos or Amphitheatres.

The *Crepidæ*, which now and then occur in *Roman* Authors, are generally ſuppos'd to be the ſame as the *Soleæ* under the *Greek* Name κρηπίδες. But *Baldwin* is ſo Nice as to aſſign this Difference, that the *Crepida* had two Soles, whereas the *Solea* conſiſted of but one. Therefore he is not willing to be beholden to the *Greeks* for the Word, but thinks it may be deriv'd from the *Crepitus* or *creaking* that they made, which cou'd not be ſo well conceiv'd in thoſe which had but a ſingle Leather (*d*). That the *Grecian* κρηπίδες did really make ſuch a kind of Noiſe (which we can't eaſily imagine of the *Soleæ*) is plain from the common Story of *Momus*, who being brought to give his Cenſure of *Venus*, cou'd find no Fault only that her κρηπὶς or Slipper creak'd a little too much.

The *Caliga* was the proper Soldiers Shooe, made in the Sandal Faſhion, ſo as not to cover the upper Part of the Foot, tho' it reach'd to the Middle of the Leg. The Sole was of Wood like our old Galoches, or the *Sabots* of the *French* Peaſants, and ſtuck full of Nails. Theſe Nails were uſually ſo very long in the Shooes of the Scouts and Sentinels, that *Suetonius* (*e*) and *Tertullian* (*f*) call thoſe *Caligæ Speculatoriæ*, as if by mounting the Wearer to a higher Pitch, they gave a greater Advantage to the Sight.

'Twas from theſe *Caligæ* that the Emperour *Caligula* took his Name, having been born in the Army, and afterwards bred up in the Habit of a Common-Soldier (*g*). And hence *Juvenal* (*h*) and *Suetonius* (*i*) uſe *Caligati* for the Common-Soldiers without the addition of a Subſtantive.

(*a*) Verrin. 4. (*b*) De Haruſp. Reſponſ. (*c*) Lib. 29. (*d*) *Baldwin* Calc. Antiqu. cap. 13. (*e*) *Caligul.* cap. 52. (*f*) De Coron. Milit. (*g*) *Sueton. Caligul.* Cap. 9. (*h*) Sat. 16. v. 24. (*i*) *Auguſt.* 25.

CHAP.

CHAP. IX.

Of the ROMAN *Marriages.*

THE Marriages of the *Romans*, which have been ſo learnedly explain'd by ſo many eminent Hands, as the great Lawyers *Tiraquel*, *Sigonius*, *Briſſonius*, and the two *Hotmans*, will appear very intelligible from a diligent enquiry into the Eſpouſals, the Perſons that might lawfully marry with one another, the proper Seaſon for Marriage, the ſeveral Ways of contracting Matrimony, the Ceremonies of the Wedding, and the Cauſes and Manner of Divorces.

The eſpouſals or Contract before Marriage was perform'd by an Engagement of the Friends on both Sides, and might be done as well between abſent Perſons as Preſent; as well in private, as before Witneſſes. Yet the common Way of Betrothing was by Writings drawn up by common Conſent, and ſeal'd by both Parties. Thus *Juvenal* Sat. 6.

Si tibi legitimis pactam junctamq; tabellis
Non es amaturus.

And again Sat. 10.

——— *Veniet cum Signatoribus auſpex.*

Beſides this, the Man ſent a Ring as a Pledge to the Woman, which in *Pliny*'s time was us'd to be of Iron, without any Stone in it (*a*). Thus the ſame Satyriſt

Conventum tamen & pactum & ſponſalia noſtra
Tempeſtate paras, jamq; à tonſore magiſtro
Pecteris, & digito pignus fortaſſe dediſti. Sat. 6.

There was no Age determin'd by the Laws for Eſpouſals, but they might be made at any time, provided that both Parties were ſenſible of the Obligation; which they were not ſuppos'd to be 'till their Seventh Year. Yet *Auguſtus* afterwards order'd that no Eſpouſals ſhou'd be eſteem'd valid, except ſuch as were conſummated by the Nuptials within Two Years Time (*b*).

No *Roman* might marry with any other than a *Roman*; but then this was extended to any free Denizon of the City, tho'

(*a*) *Plin.* N. H. lib. 33. cap. 1. (*b*) *Sueton. Aug.* cap. 34.

born in any other Parts: For thus *Dionyſius* (*a*), reports of the *Latines*, *Livy* (*b*) of the *Campanians*, and *Cicero* (*c*) of the Inhabitants of *Aricia*. Yet in *Rome* we meet with one eminent reſtraint about theſe Matters, and that is a Law of the *Decemviri* prohibiting any Marriage between the *Patritian* Families and the *Plebeians*. But within Seven or Eight Years the Commons had given ſo many dangerous Tokens of their reſentment of this Injury, that upon the Motion of *Canuleius Tribune* of the People, the *Conſuls* were e'en forc'd to give conſent to the enacting of a contrary Decree, allowing a free alliance in Marriage between Perſons of all Orders and Degrees (*d*).

The *Romans* were very ſuperſtitious in reference to the Particular Time of Marriage, fanſying ſeveral Days and Seaſons very Unfortunate to this Deſign. The *Kalends*, *Nones*, and *Ides* of every Month were ſtrictly avoided. So was the whole Feaſt of the *Parentalia* in *February*, as *Ovid* obſerves *Faſtor.* 2.

Conde tuas, Hymenæe, faces, & ab ignibus atris
Aufer, habent alias mœſta ſepulchra faces.

Go, *Hymen*, Stop the long expecting Dames,
And hide thy Torches from the diſmal Flames.
Thy Preſence wou'd be fatal while we mourn;
And at ſad Tombs muſt other Tapers burn.

The whole Month of *May*, was look'd on as Ominous to contracting Matrimony as *Plutarch* acquaints us in his *Roman* Queſtions. And *Ovid*, *Faſt.* 5.

Nec viduæ tædis eadem, nec virginis apta
Tempora, quæ nupſit nec diuturna fuit.
Hâc quoq; de cauſâ, ſi te proverbia tangunt,
Menſe malas maio nubere vulgus ait.

No Tapers then ſhou'd burn, nor ever Bride
Link'd at this Seaſon long her Bliſs enjoy'd.
Hence our wiſe Maſters of the Proverbs ſay:
The Girls are all ſtark Naught that wed in May.

In ſhort the moſt happy Seaſon in all Reſpects for Celebrating the Nuptial Solemnity was that which follow'd the *Ides* of *June*. Thus *Ovid* ſpeaking of his Daughter

Hanc ego cùm vellem genero dare tempora tædæ
Apta requirebam, quæq; cavenda forent.
Tunc mihi poſt ſacras monſtratur Julius *Idus*
Utilis & nuptis, utilis eſſe viris. Faſt. 2.

(*a*) Lib. 6. (*b*) Lib. 38. (*c*) In *Philipp.* (*d*) *Liv.* Lib. 4

Reſolved

Reſolved to match the Girl I tried to find
What Days unproſp'rous were, what Moons were kind.
After *June's* Sacred Ides my fancy ſtaid,
Good to the Man and Happy to the Maid.

The Three Ways of contracting Matrimony, were *farre*, *coemptione*, and *uſu*, which fall properly under the conſideration of the Civil-Law; the main difference of them in ſhort was this. *Confarreatio* was when the Matrimonial Rites were perform'd with ſolemn Sacrifices, and Offerings of burnt Cakes, by the *Pontifex Maximus* and the *Flamen Dialis*. *Pliny* ſays this was the moſt Sacred Tye of all (*a*): Yet we are aſſur'd that after ſome time it was almoſt univerſally laid a ſide, as thought to include too many troubleſom Ceremonies (*b*). A Divorce after this way of Marriage, *Feſtus* call's *Diffarreatio*. *Coemptio* was when the Perſons ſolemnly bound themſelves to one another by the Ceremony of giving and taking a Piece of Money, the Marriage was ſaid to be made *by uſe*, when with the Conſent of her Friends the Woman had liv'd with the Man a whole Year compleat without being abſent Three Nights; at which time ſhe was reckon'd in all Reſpects a lawful Wife, tho' not near ſo cloſely join'd as in the former Caſes.

The Nuptial Ceremonies were always begun with the taking of Omens by the *Auſpices*, Hence *Tully*, *Nubit genero ſocrus nullis auſpicibus, nullis auctoribus, funeſtis omnibus omnium* (*c*).

In dreſſing the Bride they never omitted to divide her Locks with the Head of a Spear; either as a token that their Marriages firſt began by War and Acts of Hoſtility upon the Rape of the *Sabine* Virgins (*d*): Or as an Omen of bearing a valiant and warlike Off-ſpring: Or to remind the Bride, that being married to One of a Martial Race, ſhe ſhou'd uſe her ſelf to no other than a plain unaffected Dreſs: Or becauſe the greateſt Part of the Nuptial Care is referr'd to *Juno*, to whom the Spear is Sacred, whence ſhe took the Name of *Dea Quiris*; *Quiris* among the Ancients ſignifying this Weapon (*e*). *Ovid.* alludes to this Cuſtom in the ſecond of his *Faſti*

Nec tibi quæ cupidæ matura videbere matri
Comat virgineas haſta recurva comas.

Thou whom thy Mother frets to ſee a Maid,
Let no bent Spear thy Virgin Locks divide.

(*a*) Lib. 18. cap. 2. (*b*) *Tacit.* Annal. 4. (*c*) Orat. pro *Cluent.* (*d*) *Plutarch* in *Romul.* (*e*) Ibid. Quæſt. *Rom.* 87.

In

In the next Place they crown'd her with a Chaplet of Flowers, and put on her Veil or *Flammeum*, proper on this Occaſion. Thus *Catullus*,

Cinge tempora Floribus:
Suaveolentis amaraci
Flammeum cape.

And *Juvenal*, deſcribing *Meſſalina* when about to marry *Silius*.

Dudum ſedet illa parato
Flammeolo. Sat. 10.

Inſtead of her ordinary Cloaths ſhe wore the *Tunica recta* or common *Tunic*, call'd *recta* from being woven upwards, of the ſame Nature with that which the young Men put on with their *Manly Gown* (*a*); this was tied about with a Girdle which the Bridegroom was to unlooſe.

Being dreſs'd after this Manner in the Evening ſhe was lead towards the Bridegroom's Houſe by Three Boys habited in the *Prætexta*, whoſe Fathers and Mothers were alive. Five Torches were carried to light her; for which particular Number *Plutarch* has troubled himſelf to find out ſeveral Reaſons (*b*). A Diſtaff and a Spindle was likewiſe born along with her, in memory of *Caia Cæcilia* or *Tanaquil*, Wife to *Tarquinius Priſcus*, a famous Spinſter (*c*): And on the ſame account the Bride call'd her ſelf *Caia*, during the Nuptial Solemnity as a fortunate Name.

Being come to the Door (which was garniſh'd with Flowers and Leaves, according to that of *Catullus*.

Veſtibulum ut molli velatum fronde vireret.)

ſhe bound about the Poſts with Woollen Liſts, and waſh'd them over with melted Tallow, to keep out Infection, and Sorcery. This Cuſtom *Virgil* alludes to *Æn.* 4.

Prætereà fuit in tectis de marmore templum
Conjugis antiqui miro quod honore colebat
Velleribus niveis, & feſtâ fronde revinctum.

Being to go into the Houſe ſhe was not by any means to touch the Threſhold, but was lifted over by main ſtrength. Either becauſe the Threſhold was Sacred to *Veſta*, a moſt chaſt Goddeſs, and ſo ought not to be defil'd by one in theſe Circumſtances: Or

(*a*) *Pliny.* lib. 8. cap. 48. (*b*) *Rom.* Quæſt. 2. (*c*) *Pliny.* lib. 8. cap. 48.

elſe

elſe that it might ſeem a piece of Modeſty to be compell'd into a Place where ſhe was to loſe her Maiden-Head *(a)*.

Upon her entrance ſhe had the Keys of the Houſe deliver'd to her, and was preſented by the Bridegroom with Two Veſſels, one of Fire, the other of Water; either as an Emblem of Purity and Chaſtity, or as a Communication of Goods, or as an Earneſt of ſticking by one another in the greateſt Extremities *(b)*.

And now ſhe and her Companions were treated by the Bridegroom at a ſplendid Feaſt, on which Occaſion the Sumptuary Laws allow'd a little more Liberty than ordinary in the Expences. This kind of Treat was ſeldom without Muſick, compos'd commonly of Flutes; the Company all the while ſinging *Thalaſſius* or *Thalaſſio*, as the *Greeks* did *Hymenæus*. There are ſeveral Reaſons given by *Plutarch (c)* for the uſe of this Word, the common Opinion makes it an Admoniſhment to good Huſwifery, the *Greek* Word ταλασία ſignifying *Spinning*; and among the Conditions which were agreed upon by the *Sabines* and *Romans* after the Rape of the Virgins, This was one, that the Women ſhou'd be obliged to do no other ſervile Office for their Husbans, any farther than what concern'd Spinning.

At the ſame time the Bridegroom threw Nuts about the Room for the Boys to ſcramble: Thus *Virgil* Eclog. 8.

Sparge, marite, nuces.——

Out of the many Reaſons given for this Cuſtom the moſt commonly receiv'd makes it a Token of their leaving Childiſh Diverſiſements, and entring on a more ſerious State of Life, whence *Nucibus relictis* has paſs'd into a Proverb. This Conjecture is favour'd by *Catullus*

Da nuces pueris, iners
Concubine: Satis diu
Luſiſti nucibus. Lubet
Jam ſervire Thalaſſio.
Concubine, nuces da.

In the mean time the Genial Bed was got ready, and a Set of good old Wives, that had been never married but to one Man, plac'd the Bride on it with a great deal of Ceremony. Thus *Catullus*,

Vos bonæ ſenibus viris
Cognitæ breve fœminæ
Collocate puellulam.
Jam licet venias, marite, &c.

(*a*) *Plutarch Rom.* Quæſt. 1. *Servius* ad *Virgil.* Eclog. 8. (*b*) *Plutarch. Rom.* Quæſt. 1. (*c*) Idem in *Romul.* & *Rom.* Quæſt. 31.

Nothing

Nothing now remain'd but for the Bridegroom to looſe her Girdle, a cuſtom that wants no Explanation; only it may be obſerv'd to have been of great Antiquity: Thus *Moſchus* in his Story of *Jupiter* and *Europa*:

——Ζεὺς δὲ πάλιν ἐπέρην ἀνελάζετο μορφὴν,
Λῦσε δ' οἱ μίτρην.

Homer Odyſs. 2.

Λῦσεν παρθενικὴν ζώνην.

And *Muſæus* in *Hero* and *Leander*:

Ὡς ἡ μὲν ταῦτ' εἶπεν· ὁ δ' αὐτίκα λύσατο μίτρην
Καὶ δεσμῶν ἐπέβησαν ἀειρομένοις κυδοιμοῖς

There ſeldom wanted a Company of Boys, and mad Sparks got together, to ſing a parcel of Bawdy Verſes, which were tolerated on this Occaſion. They conſiſted of a kind of *Feſcennine* Rhimes. Hence *Catullus*.

Nec diu taceat procax
Feſcennina locutio.

And *Claudian*:

Permiſſiſq; jocis turba licentior
Exultet tetricis libera legibus.

The Day after, the new Married Man held a ſtately Supper, and invited all his old Companions to a Drinking Match; which they term'd *repotia*.

The whole Subject of Divorces belongs entirely to the Lawyers, and the diſtinction between *repudium* and *divortium* is owing to their Nicety; the firſt they make the breaking off a Contract, or Eſpouſal; and the laſt a Separation after actual Matrimony. *Plutarch* mentions a very ſevere Law of *Romulus*, which ſuffer'd not a Wife to leave her Husband, but gave a Man the Liberty of turning off his Wife, either upon poyſoning her Children, or counterfeiting his private Keys, or for the Crime of Adultery. But if the Husband on any other Occaſion put her away, he order'd one Moiety of his Eſtate to be given to the Wife, and the other to fall to the Goddeſs *Ceres*; and that who ever ſent away his Wife ſhou'd make an Atonement to the Gods of the Earth (*a*). 'Tis very memorable that almoſt Six Hundred Years after the Building of the City, one P. *Servilius* or *Carvilius Spurius*, was the firſt of the *Romans* that ever put away his Wife (*b*).

(*a*) *Plutarch* in *Romul.* (*b*) *Valer. Max.* lib. 2. cap. 1. *Plutarch* Compar. *Romul.* & *Theſ.* & *Rom.* Qu. 13.

ſent

The common way of Divorcing was by ſending a Bill to the Woman containing the Reaſons of the Separation and the tender of all her Goods which ſhe brought with her, this they term'd *repudium mittere.* Or elſe it was perform'd in her preſence before ſufficient Witneſſes, with the Formalities of tearing the Writings, refunding the Portion, taking away the Keys, and turning the Woman out of Doors. But however the Law of *Romulus* came to fail, it's certain that in later Times the Women too as well as the Men might ſue a Divorce, and enter on a ſeparate Life. Thus *Juvenal* Sat 9.

----------Fugientem ſæpe puellam
Amplexu rapui, tabulas quoq; fregerat & jam
Signabat.

And *Martial* Lib. 10. Epigr. 41.

Menſe novo Maii veterem Proculeia maritum
Deſeris, atq; jubes res ſibi habere ſuas.

We have here a fair Opportunity to enquire into the grounds of the common Opinion about the borrowing and lending of Wives among the *Romans.* He that chargeth them moſt ſeverely with this Practice is the moſt Learned *Tertullian* in his Apology, chap. 39. *Omnia indiſcreta ſunt apud nos,* &c. *All things* (ſays he, ſpeaking of the *Chriſtians*) *are common among us, except our Wives: We admit no Partnerſhip in that one Thing, in which other Men are more profeſſedly Partners, who not only make uſe of their Friend's Bed, but very patiently expoſe their own Wives to a new Embrace: I ſuppoſe, according to the Inſtitution of the moſt wiſe Ancients, the* Græcian Socrates, *and the* Roman Cato, *who freely lent out their Wives to their Friends.* And preſently after, *O ſapientiæ Atticæ & Romanæ gravitatis exemplum! leno eſt Philoſophus & Cenſor. O wondrous Example of* Attick *Wiſdom, and of* Roman *Gravity! a Philoſopher and a Cenſor turn a Pair of Pimps.*

Chiefly on the ſtrength of this Authority, the *Romans* have been generally tax'd with ſuch a Cuſtom: And a very great Man of our own Country (*a*) expreſſeth his Compliance with the vulgar Opinion, tho' he ingeniouſly extenuates the Fault in a parallel Inſtance. So much indeed muſt be granted that tho' the Laws made thoſe Husbands liable to a Penalty who either hir'd out their Wives for Money, or kept them after they had been actually convicted of Adultery; yet the bare permiſſion of that

(*a*) Sir *William Temple*, Introduction to the Hiſt. of *Eng*

Crime

Crime did not fall under the Notice of the civil Power. And *Ulpian* ſays expreſly, *ei qui patitur uxorem ſuam delinquere, matrimoniumq; ſuum contemnit; quiq; contaminatione non indignatur, pœna adulterîm non infligitur. He that ſuffers his Wife to defile his Bed, and contemning his Matrimonial Contract is not diſpleas'd at the Pollution, does not incurr the Penalty of Adulterers.* But 'tis almoſt impoſſible that this ſhou'd give Occaſion to ſuch a Fancy, being no more than what is tolerated at preſent. It may therefore be alledg'd in Favour of the *Romans* that this Opinion might probably have its Riſe from the frequent practice of that ſort of Marriage, according to which a Woman was made a Wife only by Poſſeſſion and Uſe, without any farther Ceremony. This was the moſt Incompleat of all Conjugal Tyes; the Wife being ſo, rather by the Law of Nature, than according to the *Roman* Conſtitution; and therefore ſhe was not call'd *Materfamilias*, nor had any Right to inherit the Goods of her Husband; being ſuppos'd to be taken purely on the Account of procreating Iſſue: So that after the bearing of Three or Four Children, ſhe might lawfully be given to another Man.

As to the Example of *Cato* (not to urge that *Tertullian* has miſtook the *Cenſor* for him of *Utica*, and ſo loſt the Sting of his Sarcaſm) the beſt Accounts of that Matter may be had from *Strabo* and *Plutarch*. The *Place* of *Strabo* is in his ſeventh Book. Ἱστοροῦσι δὲ περὶ τῶν Ταπύρων ὅτι αὐτοῖς εἴη νόμιμον τὰς γυναῖκας τὰς γαμετὰς ἐκδιδόναι ἑτέροις ἀνδράσιν ἐπειδὰν ἐξ αὐτῶν ἀνέλωνται δύο ἢ τρία τέκνα· καθάπερ καὶ Κάτων Ὁρτησίῳ δεηθέντι ἐξέδωκε τὴν Μαρκίαν ἐφ' ἡμῶν, κατὰ παλαιὸν Ῥωμαίων ἦθος. *They report of theſe* Tapurians *that 'tis counted lawful among them to give away their Wives to other Men, after they have had Two or Three Children by them: As* Cato, *in our time, upon the requeſt of* Hortenſius, *gave him his Wife* Marcia, *according to the old Cuſtom of the* Romans. Here by ἐκδιδόναι and ἐξέδωκε we ſhou'd not underſtand the lending or letting out of Women, but the marrying them to new Husbands; as *Plato* uſeth ἐκδοσιν θυγατέρων ποιεῖν *to beſtow Daughters in Marriage.*

Plutarch before he proceeds to his Relation, has promis'd that this Paſſage in the Life of *Cato*, looks like a Fable in a Play, and is very difficult to be clear'd, or made out with any certainty. His Narration is taken out of *Thraſeas*, who had it from *Munatius*, *Cato*'s Friend and conſtant Companion, and runs to this Effect.

'*Quintus Hortenſius*, a Man of ſignal Worth, and approved 'Virtue, was not content to live in Friendſhip and Familiarity '' with *Cato*, but d[illegible]'d alſo to be united to his Family, by ſome

'' alliance

'alliance in Marriage. Therefore waiting upon *Cato* he begun 'to make a Propoſal about taking *Cato*'s Daughter *Porcia* from '*Bibulus*, to whom ſhe had already born three Children, and 'making her his own Wife, offering to reſtore her after ſhe had 'born him a Child, if *Bibulus* was not willing to part with her 'altogether: Adding that tho' this in the Opinion of Men might 'ſeem Strange, yet in Nature it wou'd appear Honeſt and Profi-'table to the Publick, with much more to the ſame Purpoſe. '*Cato* cou'd not but expreſs his Wonder at the ſtrange Project, 'but withal approv'd very well of uniting their Houſes: When '*Hortenſius* turning the Diſcourſe did not ſtick to acknowledge, 'that it was *Cato*'s own Wife which he really deſir'd. *Cato* per-'ceiving his earneſt Inclinations, did not deny his Requeſt, but 'ſaid that *Philip* the Father of *Martia* ought alſo to be conſul-'ted. *Philip*, being ſent for, came, and finding they were 'well agreed, gave his Daughter *Martia* to *Hortenſius*, in the 'preſence of *Cato*, who himſelf alſo aſſiſted at the Marriage.

So that this was nothing like lending a Wife out, but actually marrying her to another while her firſt Husband was alive, to whom ſhe may be ſuppos'd to have came by that kind of Matrimony which is founded in the right of Poſſeſſion. And upon the whole the *Romans* ſeem to have been hitherto Unjuſtly Taxed the Allowance of a Cuſtom not uſually practis'd among the moſt barbarous and ſavage part of Mankind.

CHAP. X.

Of the ROMAN *Funerals.*

THE moſt ancient and generally receiv'd Ways of Burying have been Interring and Burning; and both theſe we find at the ſame time in Uſe among the *Romans*, borrow'd in all probability from the *Græcians*. That the *Græcians* interr'd their dead Bodies may in ſhort be evinc'd from the Story of the *Epheſian* Matron in *Petronius*, who is deſcrib'd ſitting and watching her Husband's Body laid in a Vault. And from the Argument which *Solon* brought to juſtifie the Right of the *Athenians* to the Iſle of *Salamis*, taken from the dead Bodies which were buried there not after the manner of their Competitors the *Megarenſians*, but according to the *Athenian* Faſhion; for that the *Megarenſians*; turn'd the Carcaſe to the Eaſt, and the *Athenians* to the Weſt; and that the *Athenians* had a Sepulchre for every Body, whereas

whereas the *Megarenſians* put Two or Three into one (*a*). That the ſame People ſometimes burnt their dead is beyond diſpute from the Teſtimony of *Plutarch*, who ſpeaking of the Death of *Phocion* tells us, that for ſome time none of the *Athenians* dar'd light a Funeral Pile, to burn the Body after their manner. As alſo from the deſcription of the Plague of *Athens* in *Thucydides* ἔθαπτε πυρὰς ϗ ἀλλοτρίας, &c, with the Tranſlation of which paſſage *Lucretius* concludes his Poem.

Namq; ſuos conſanguineos aliena rogorum
Inſuper extructa ingenti clamore locabant,
Sudebantq; faces, multo cum ſanguine ſæpè
Rixantes potius quam corpora deſererentur.

To prove that both theſe ways of Burial were us'd by the *Romans* is almoſt unneceſſary. For Burning is known by every one to have been their common Practice. And as for Interring, their great Law-giver *Numa* particularly forbad the burning of his own Body, but commanded it to be laid entire in a Stone Coffin (*b*). And we learn from *Cicero* (*c*) and *Pliny* (*d*), that the Family of the *Cornelii* interr'd their Dead all along 'till the time of *Sylla* the *Dictator*, who in his Will gave expreſs Orders to have his Body burnt: Probably to avoid the Indignities that might have been offer'd it after burial by the *Marian* Faction, in return for the violence ſhow'd by *Sylla*'s Soldiers to the Tomb and Reliques of *Marius*.

But tho' Burning was the ordinary Cuſtom, yet in ſome particular Caſes it was Poſitively forbid, and look'd on as the higheſt Impiety. Thus Infants who died before the breeding of Teeth were enclos'd unburnt in the Ground (*e*).

——Terrâ clauditur infans
Et minor igne rogi. Juvenal Sat. 15.

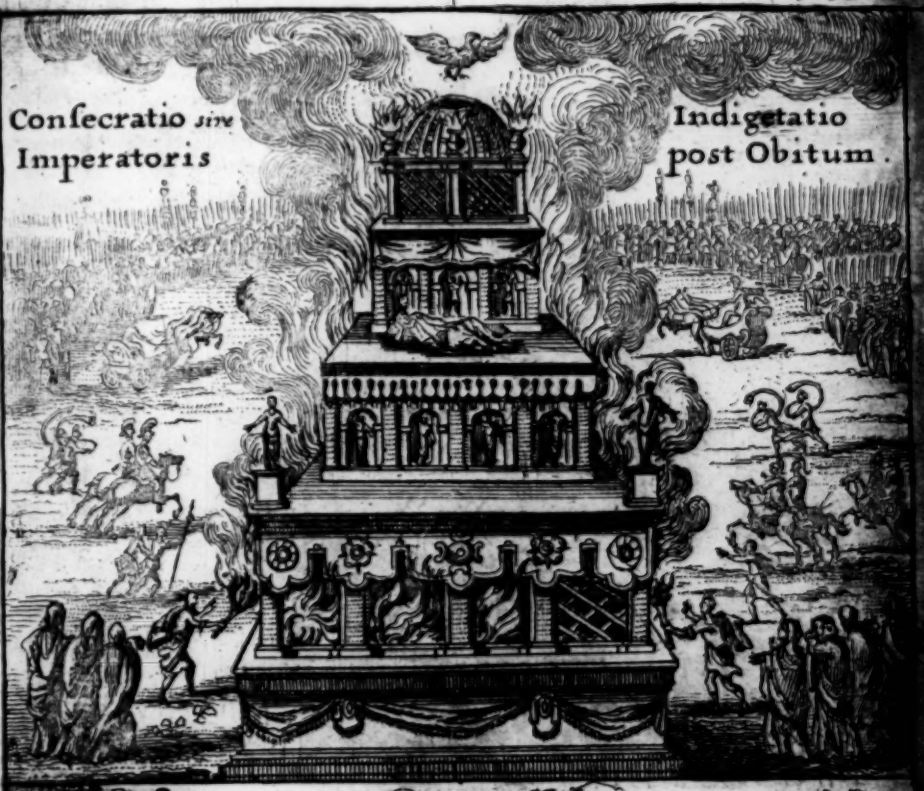
The Place ſet apart for the interment of theſe Infants was call'd *Suggrundarium*. The ſame Superſtition was obſerv'd in reference to Perſons who had been ſtruck dead with Lightning or Thunder (*f*). For they were never burnt again, but after a great deal of Ceremony perform'd by the *Auſpices*, and the Sacrifice of a Sheep, were either put into the Earth, or elſe ſometime let alone to lie upon the Ground where they had fallen. In both Caſes the Place was preſently incloſ'd either with a ſtone Wall, or Stakes, or ſometimes only with a Rope, having the Name of *Bidental*,

(*a*) *Plutarch* in *Solon.* (*b*) *Plutarch* in *Num.* (*c*) De Leg. lib. 2. (*d*) N. H. lib. 7. cap. 54. (*e*) Idem lib. 7. cap. 16. (*f*) Idem lib. 2. cap. 54.

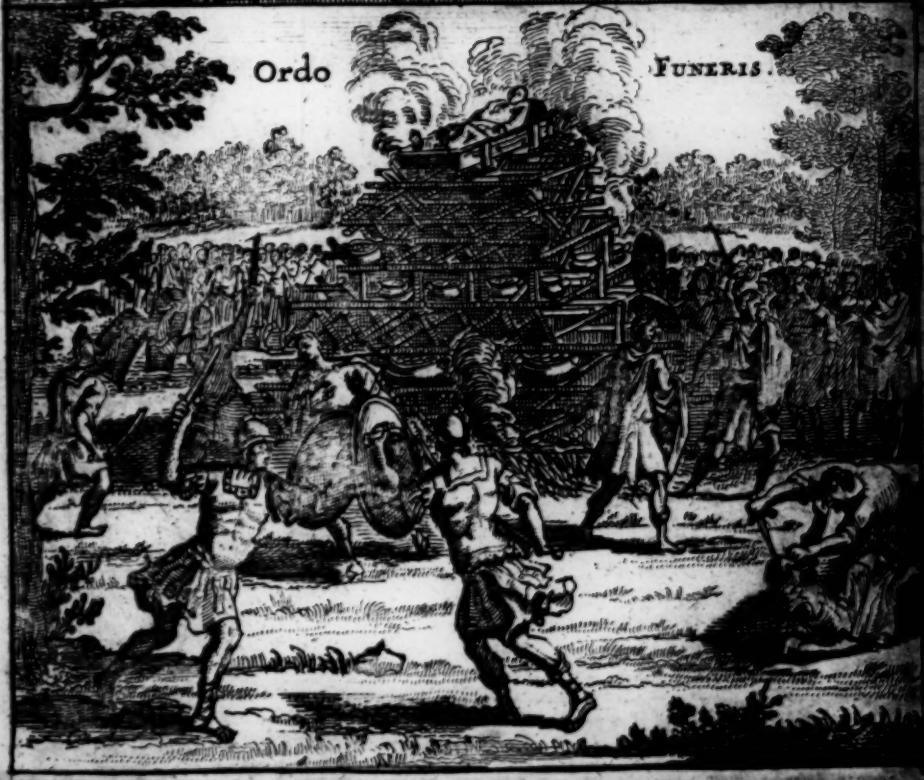
from

Consecratio sive Imperatoris

Indigetatio post Obitum.



Ordo Funeris.



from the *Bidens* or Sheep that was offer'd. *Perſius* uſeth *Bidental* for the Perſon that had come to this unhappy End.

An quia non fibris ovium Ergennâq; jubente
Triſte jaces lucri, evitandumq; bidental. Sat.

For they fanſied that where e'er a Thunder-Bolt fell, the Gods had a particular Deſire to have that place Sacred to their Worſhip; and therefore whether a Man had been kill'd or no, they us'd the ſame Superſtition in hallowing the Ground (*a*).

The ſeveral ſorts of Funerals fall under the common Heads of *Funus indictivum* and *Funus tacitum*. The *funus indictivum* had its Name *ab indicendo* from inviting, becauſe on ſuch Occaſions there was made a general Invitation of the People by the Mouth of a Publick Cryer. This was celebrated with extraordinary Splendor and Magnificence, the People being preſented with publick Shows, and other uncommon Divertiſements. The *Funus Publicum*, which we meet with ſo often, may be ſometimes underſtood as entirely the ſame with the *Indictive* Funeral, and ſometimes only as a ſpecies of it. It is the ſame when it denotes all the State and Grandeur of the more noble Funerals, ſuch as were uſually kept for rich and great Men. It is only a ſpecies of the *Indictive* Funeral, when either it ſignifies the proclaiming of a *Vacation*, and an enjoyment of publick Sorrow, or the defraying the Charges of the Funeral out of the Publick Stock. For 'tis probable that at both theſe Solemnities a general Invitation was made by the Cryer, yet in this Latter it was done by Order of the Senate, and in the Former by the Will of the deceas'd Perſon, or the Pleaſure of his Heirs. But no one will hence conclude, that the Funerals of all ſuch rich Men were attended with the Formality of a *Vacation*, and an Order for Publick Grief. For this was counted the greateſt Honour that cou'd be ſhow'd to the Relicts of Princes themſelves: Thus the Senate decreed a publick Funeral for *Syphax*, the once great King of *Numidia*; and for *Perſes* King of *Macedon*, who both died in Priſon under the Power of the *Romans* (*b*). And *Suetonius* informs us, that *Tiberius*, (*c*) and *Vitellius*, (*d*) were buried in the ſame State. Yet upon account of having perform'd any ſignal Service to the Common-wealth, this Honour was often conferr'd on private Men: and ſometimes upon Women too, as *Dio* relates of *Attia*

(*a*) *Dacier* on *Horace* Art. Poet. Verſe 471. (*b*) *Val. Max.* lib. 5. cap. 1. (*c*) Cap. 75. (*d*) Cap. 3.

the Mother of *Julius Cæsar* (*a*); and *Xiphilin* of *Livia* (*b*). Nor was this Custom peculiar to the *Romans*, for *Laertius* reports of *Democritus* that deceasing after he had liv'd above a hundred Years, he was honour'd with a *Publick Funeral*. And *Justin* tells us, that the Inhabitants of *Marceilles*, then a *Græcian* Colony, upon the News of *Rome*'s being taken by the *Gauls*, kept a *Publick Funeral* to testifie their Condolance of the Calamity (*c*).

There seem to have been different sorts of *Publick Funerals* in *Rome*, according to the Magistracies, or other Honours, which the deceased Persons had born. As the *Prætorium*, the *Consulare*, the *Censorium*, and the *Triumphale*. The two last were by much the more magnificent, which though formerly distinguish'd, yet in the time of the Emperors were join'd in one with the name of *Funus censorium* only; as *Tacitus* often useth the Phrase. Nor was *Censorian* Funeral confin'd to private Persons, but the very Emperors themselves were honour'd with the like Solemnity after their Deaths; as *Tacitus* reports of *Claudius* (*d*), and *Capitolinus* of *Pertinax*.

The *Funus tacitum*, oppos'd to the *Indictive*, or Publick Funeral, was kept in a private manner without the Solemnization of Sports, without Pomp, without a Marshaller, or a general Invitation. Thus *Seneca de Tranquil. Anim. Morti natus es: minus molestiarum habet funus tacitum.* And *Ovid.* Trist. 1. Eleg. 3.

Quocunq; aspiceres luctus gemitusq; sonabant,
Formaq; non taciti funeris instar erat.

This is the same that *Capitolinus* calls *Funus vulgare*, when he reports that *Marcus Antoninus* was so extreamly kind and munificent, as to allow even *Vulgar Funerals* to be kept at the Charge of the Publick. *Propertius* calls it *plebeium funus.*

——— *Adsint*
Plebeii parvæ funeris exequiæ. Lib. 2. El. 4.

Ausonius: Funus commune.
Tu gremio in proavi funus commune locatum.

And *Suetonius*, *funus translatitium*, when he informs us that *Britannicus* was buried after this manner by *Nero* (*e*).

(*a*) Lib. 47. (*b*) In *Tiberio*. (*c*) Lib. 43. (*d*) Annal. 12. (*e*) *Ner.* 33.

To the *ſilent* Funerals may be referr'd the *Funera acerba*, or untimely Obſequies of Youths and Children; which *Juvenal* ſpeaks of *Sat.* 11.

Non præmaturi cineres, non funus acerbum
Luxuriæ, &c.

And *Virgil. Æn.* 6.

Infantumq; animæ flentes in limine primo:
Quos dulcis vitæ expertes & ab ubere raptos
Abſtulit atra dies, & funere merſit acerbo.

The Funeral Ceremonies may be divided into ſuch as were us'd to Perſons when they were dying, and ſuch as were afterwards perform'd to the dead Corps.

When all Hopes of Life were now given o'er, and the Soul as it were juſt ready for its flight, the Friends, and neareſt Relations of the dying Party were wont to kiſs him, and embrace his Body till he expired. Thus *Suetonius* (*a*) relates that *Auguſtus* expir'd *in the Kiſſes of* Livia. Nor need there be any farther Proof of a Cuſtom, which every Body is acquainted with. The Reaſon of it is not ſo well known: Moſt probably, they thought by this pious Act to receive into their own Bodies the Soul of their departing Friend. Thus *Albinovanus* in the Epicede of *Livia*.

Soſpite te ſalem moriar, Nero; tu mea condas
Lumina, & accipias hanc animam ore pio.

For the Ancients believ'd that the Soul when it was about leaving the Body, made uſe of the Mouth for its Paſſage; whence *animam in primo ore*, or *in primis labris tenere*, is *to be at Death's Door*. And they might well imagine the Soul was thus to be transfus'd in the laſt Act of Life, who cou'd fanſie that it was communicated in an ordinary Kiſs, as we find they did from theſe Love-Verſes, recited by *Macrobius*, the Original of which is attributed to *Plato*:

Dum ſemihulco ſavio
Meum puellum ſavior

(*a*) *Auguſt.* 91.

Dulcemq; florem ſpiritûs
Duco ex aperto tramite,
Anima tunc ægra & ſaucia
Cucurrit ad labias mihi, &c. (*a*).

Nor did they only kiſs their Friends when juſt expiring, but afterwards too, when the Body was going to be laid on the Funerale-Pile. Thus *Tibullus*, Lib. 1. Eleg. 1.

Flebĭ, & arſuro poſitum me, Delia, lecto,
Triſtibus & lachrymis oſcula mixta dabĭ.

And *Propertius*, Lib. 2. Eleg. 12.

Oſculaq; in gelidis ponet ſuprema labellis,
Cùm dabitur Syrio munere plenus onyx.

Another Ceremony us'd to Perſons expiring was the taking off their Rings. 'Thus *Suetonius* reports, that when the Emperor '*Tiberius* ſwouned away, and was reputed dead, his Rings were 'taken from him, tho' he afterwards recover'd, and asked for 'them again (*b*). They are much miſtaken who fanſie him to have done this with Deſign to change his Heir; for tho' 'twas an uſual Cuſtom with the Ancients to conſtitute their Heir or Succeſſor by delivering him their Rings on their Death-bed, yet this ſignified nothing in caſe a Legal Will was produced to the contrary (*c*).

But whether they took off the Rings to ſave them from the Perſons concern'd in waſhing and taking care of the dead Body, or on any other Account, 'tis very probable that they were afterwards reſtor'd again to the Fingers, and burnt in the Funeral-Pile; as may be gather'd from that Verſe of *Propertius*, where deſcribing the Ghoſt of his Miſtreſs in the Habit in which ſhe was burn'd, he ſays,

Et ſolitum digito beryllon adederat ignĭ. Lib. 4. El. 7.

The Cuſtom of cloſing the Eyes of a departing Friend, common both to *Romans* and *Græcians*, is known by any one that has but look'd in a Claſſic Author. It may only here be obſerv'd, that this Ceremony was perform'd for the moſt part by the neareſt

(*a*) *Macrob. Saturn.* lib. 2. cap. 2. (*b*) Cap. 73. (*c*) See *Valer. Max.* lib. 7. cap. 8.

Relation,

Relation, as by Husbands to their Wives, and by Wives to their Husbands, by Parents to their Children, and by Children to their Parents, *&c.* of all which we have a multitude of Inſtances in the Poets. *Pliny* tells us that as they clos'd the Eyes of the dying Perſons, ſo they open'd them too again when the Body was laid on the Funeral-Pile: And his Reaſon for both Cuſtoms is, *ut neque ab homine ſupremum ſpectari fas ſit, & cœlo non oſtendi nefas* (*a*); *becauſe they counted it equally impious, that the Eyes ſhou'd be ſeen by Men at their laſt motion, or that they ſhou'd not be expoſed to the view of Heaven.*

And for the Ceremonies us'd to Perſons after they were dead, they may be divided into three Sorts, ſuch as were perform'd before the Burial, ſuch as concern'd the Act of the Funeral, and ſuch as were done after that Solemnity.

Before the Burial we meet with the Cuſtoms of waſhing and anointing the Corps, not by any means proper to the *Romans*, but anciently us'd by almoſt all the civiliz'd Parts of the World, owing their firſt Riſe to the Invention of the *Egyptians*. Theſe Offices in *Rome* were either perform'd by the Women whom they term'd *Funeræ*; or elſe in Richer or nobler Families by the *Libitinarii*, a Society of Men who got their Livelihood by preparing Things in order to their Solemnization of Funerals. They had their Names from *Libitina* the Goddeſs who preſided over Obſequies. Hence the word *Libitina* is commonly us'd for Death it ſelf; or for every thing in general relating to the Funerals, becauſe in the Temple of that Goddeſs all Neceſſaries proper on ſuch Occaſions were expos'd to Sale. *Phædrus* alludes to this Cuſtom, ſpeaking of a coveious Miſer, Lib. 5. Fab. 77.

Qui circumcides omnem impenſam Funeris,
Libitina ne quid de tuo faciat lucrum.

But, to return to the *Libitinarii*, they ſeem to have been the chief Perſons concern'd in ordering Funerals, undertaking the whole Care and Charge of ſuch a Solemnity at a ſet Price; and therefore they kept a great Number of Servants to perform the working Part, ſuch as the *Pollinctores*, the *Veſpillones*, &c. The firſt of theſe were employ'd to anoint the dead Body, and the others we may chance to meet with hereafter. In alluſion to this Cuſtom of anointing the Corps, *Martial* plays very gentilely on the Maſter of an Entertainment, where there was much Eſſence to be got, but very little Meat:

(*a*) *Valer. Max.* lib. 11. cap. 37.

Unguentum fateor bonum dediſti
Convivii, here, ſed nihil ſcidiſti.
Res ſalſa eſt benè olere & eſurire.
Qui non cœnat & ungitur, Fabulle,
Is verè mihi mortuus videtur.

When the Body had been waſh'd and anointed, they proceeded to wrap it in a Garment: The ordinary People for this purpoſe made uſe of the common Gown, and tho' in ſome Parts of *Italy* the Inhabitants were ſo rude as not to wear the Gown while they liv'd, yet *Juvenal* informs us that they did not want it at their Death;

Pars magna Italiæ eſt, ſi verum admittimus, in quâ
Nemo togam ſumit niſi mortuus. Sat. 3.

But thoſe who had born any Publick Office in the State, or acquir'd any Honour in War, were after their Death wrapt in the particular Garment which belong'd to their Place, or to their Triumph; as *Livy* (*a*) and *Polybius* (*b*) expreſly report. It may here be obſerv'd that the Ancients were ſo very careful and ſuperſtitious in reference to their Funeral Garment, that they often wove them for themſelves and their Friends during Life. Thus *Virgil* brings in the Mother of *Euryalus* complaining,

——— *Nec te tua funera mater*
Produxi, preſſive oculos, nec vulnera lavi:
Veſte tegens, tibi quam noctes feſtina dieſq;
Urgebam, & telâ curas ſolabar aniles. Æn. 11.

If the Deceas'd had by his Valour obtain'd any of the honourable Coronets, it was conſtantly put on his Head, when the Body was dreſs'd for the Funeral; that the reward of Vertue might in ſome meaſure be enjoy'd after Death; as *Cicero* obſerves in his ſecond Book of *Laws*. Other Perſons they crown'd with Chaplets of Flowers, and with thoſe too adorn'd the Couch on which the Body was laid. The Primitive *Chriſtians* declaim'd ſeverely againſt this Cuſtom, as little leſs than Idolatry; as is to be ſeen particularly in *Minutius Felix* (*c*) and *Tertullian* (*d*).

(*a*) Lib. 34. (*b*) Lib. 6. (*c*) *Octav.* pag. 109. Edit. *Oxon.* (*d*) De Coronâ Mil.

The

The next Ceremony that follow'd was the *collocatio*, or *laying out* of the Body, perform'd always by the neareſt Relations. Whence *Dio* cenſures *Tiberius* for his neglect of *Livia*, ὅτε νοσοῦσαν ἐπεσκέψατο, ὅτε ὑποθανοῦσαν αὐτὸς προέθετο. *He neither viſited her when ſhe was ſick, nor laid her out with his own Hands, after ſhe was dead.*

The Place where they laid the Body was always near the Threſhold, at the entrance of the Houſe.

——— *Recipitq; ad limina greſſum*
Corpus, ubi exanimi poſitum Pallantis Aceſtes
Servabat ſenior. *Virg.* Æn. 9.

And they took particular care in placing the Body, to turn the Feet outward, toward the Gate, which Cuſtom *Perſius* has left us elegantly deſcrib'd in his Third Satyr.

——— *tandemq; beatulus alto*
Compoſitus lecto craſſiſq; lutatus amomis
In portam rigidos calces extendit ———

The reaſon of this Poſition was to ſhow all Perſons whether any Violence had been the Cauſe of the Party's Death, which might be diſcover'd by the outward Signs.

We muſt not forget the *Conclamatio*, or general Out-cry ſet up at ſuch Intervals before the Corps, by Perſons who waited there on purpoſe; this was done, either becauſe they hop'd by this means to ſtop the Soul which was now taking its flight, or elſe to awaken its powers which they thought might only lie ſilent in the Body without Action. For the firſt reaſon we are beholden to *Propertius*:

At mihi non oculos quiſquam inclamavit euntes,
Unum impetraſſem te revocante diem.

The other is taken from the explication of this Cuſtom by *Servius* on the ſixth of the *Æneids*; and ſeems much the more probable Deſign. For the Phyſicians give ſeveral Inſtances of Perſons, who being buried thro' haſte, in an Apoplectick Fit, have afterwards come to themſelves, and many times miſerably periſh'd for want of aſſiſtance.

If all this crying out ſignified nothing, the Deceas'd was ſaid to be *Conclamatus*, or paſt call, to which practice there are fre-

quent Alluſions in almoſt every Author. *Lucan* is very elegant to this purpoſe,

———*Sic funere primo*
Attonitæ tacuere domus, quum corpora nondum
Conclamata jacent, nec mater crine ſoluto,
Exigit ad ſævos famularum brachia planctus. Lib. 2.

There is ſcarce any Ceremony remaining which was perform'd before the Burial, except the Cuſtom of ſticking up ſome Sign, by which the Houſe was known to be in Mourning. This among the *Romans* was done by fixing Branches of Cypreſs, or of the Pitch-tree, near the Entrance, neither of which Trees being once cut down, ever revive, and have on that account been thought proper Emblems of a Funeral (*a*).

Thus much was done before the Funeral; *in* the Funeral we may take notice of the *Elatio*, or carrying forth, and the Act of Burial. What concerns the Firſt of theſe will be made out in obſerving the *Day*, the *Time*, the *Perſons*, and the *Place*. What *Day* after the Perſon's Death was appointed for the Funeral, is not very well agreed on. *Servius* on that Paſſage of *Virgil*, Æn. 5. Verſ. 65.

Prætereà, ſi nona dies mortalibus ægris, &c.

expreſly tells us, that *the Body lay ſeven Days in the Houſe, on the eighth Day was burn'd, and on the ninth the Relicks were buried.* But there are many Inſtances to prove that this ſet Number of Days was not always obſerv'd. Therefore perhaps this belong'd only to the Indictive and publick Funerals, and not to the Private and Silent; eſpecially not to the *acerba Funera*, in which Things were always huddled up with wonderful Haſte. Thus *Suetonius* reports of the Funeral of *Britanicus* (*b*) and of the Emperor *Otho* (*c*): and *Cicero pro Cluentio*, *Eo ipſo die puer cùm horâ undecimâ in publico & valens viſus eſſet, ante noctem mortuus, & poſtridie ante lucem combuſtus.*

As to the *Time* of carrying forth the Corps, anciently they made uſe only of the Night; as *Servius* obſerves on thoſe words of *Virgil*,

———*De more vetuſto*
Funereas rapuere faces. Æn. 11. v. 142.

(*a*) *Plin.* lib. 16. cap. 33. *Serv.* ad Æn. 4. (*c*) *Ner.* 32. (*d*) *Otho* 811.

The

The Reaſon he gives for it, is, that hereby they might avoid meeting with the Magiſtrates or Prieſts, whoſe Eyes they thought wou'd be defil'd by ſuch a Spectacle. Hence the Funeral had its Name *à funalibus* from the Torches, and the *Veſpillones* or *Veſperones* were ſo call'd from *Veſpera* the Evening.

Nothing is more evident than that this Cuſtom was not long obſerv'd, at leaſt not in the *Publick* Funerals, tho' it ſeems to have continued in the *ſilent*, and *private*, as *Servius* acquaints us in the ſame Place. Hence *Nero* took a fair Excuſe for hurrying his Brother *Britannicus* his Body into the Grave immediately after he had ſent him out of the World. For *Tacitus* reports that the Emperor defended the haſty Burial which had caus'd ſo much Talk and Suſpicion, in a publick Edict, urging that it was agreeable to the old Inſtitutions, to hide ſuch untimely Funerals from Mens Eyes, as ſoon as poſſible, and not detain them with the tedious Formalities of Harangues and Pompous Proceſſions. It may not be too nice a Remark, that in the more ſplendid Funerals the former part of the Day ſeems to have been deſign'd for the Proceſſion. Thus *Plutarch* relates of the Burial of *Sylla*, that the *Morning being very Cloudy over Head, they deferr'd carrying forth the Corps till the Ninth Hour*, or Three in the Afternoon. But tho' this Cuſtom of carrying forth the Corps by Night in a great meaſure ceas'd, yet the bearing of Torches and Tapers ſtill continued in practice. Thus *Virgil* in the Funeral of *Pallas*, Æn. 11.

——— *Lucet via longo*
Ordine flammarum, & latè diſcriminat agros.

And *Perſius*, Sat. 3.

Hinc tuba, candelæ, &c.

And becauſe Tapers were likewiſe us'd at the Nuptial Solemnity, the Poets did not fail to take the hint for bringing them both into the ſame Fancy. As *Propertius*, Book 4. Eleg. laſt:

Viximus inſignes inter utramq; facem.

And *Ovid* in the Epiſtle of *Cydippe* to *Acontius*:

Et face pro thalami fax mihi mortis era.

Among the *Perſons* concern'd in carrying forth the Corps, we may begin with thoſe that went before the Funeral-Bed, ſuch as the *Siticines*, the *Præficæ*, the *Ludii* and *Hiſtriones*, the new Freed-Men, the Bearers of the Images, *&c.* The Name of the *Siticines*, *A. Gellius* (*a*) derives from *Situs* and *Cano*, from ſinging to the Dead. They were of two ſorts, ſome ſounding on the Trumpet, others on the Flute or Pipe. That the Trumpets had a ſhare in this Solemnity, we learn from *Virgil* in the Funeral of *Pallas*, Æn. 11.

Exoritur clamorq; virûm, clangorq; tubarum.

And from *Propertius*, Book 2. Eleg. 7.

Ah! mea tum quales, caneret tibi Cynthia ſomnos,
Tibia, funeſtâ triſtior illa tubâ.

And *Plutarch* tells a notable Story of a Mag-pye, that upon hearing the Trumpets at the Funeral of a Rich Man, for ſome time after quite loſt her Voice, and cou'd raiſe no manner of Note, when on a ſudden, as if ſhe had been all this while deeply meditating on the Matter, ſhe ſtruck up exactly the ſame Tunes that the Trumpets had play'd, and hit all the Turns and Changes to Admiration (*b*).

For 'tis likely that the Trumpets were us'd only in the Publick Funerals to give the People Notice to appear at the Solemnity, as *Lipſius* inſtructs us (*c*).

The *Tibicines* ſome reſtrain to the Funerals of Children, and younger Perſons, as *Servius* obſerves on the firſt of the *Æneids*, and *Statius*, *Theb.* 6. in the Funeral of *Achemorus*.

Tum ſignum luctûs cornu grave mugit adunco
Tibia, cui teneros ſuetum producere manes.

The Learned *Dacier* has lately declar'd himſelf of the ſame Opinion (*d*). But 'tis certain that this cannot always have held good. For *Suetonius* mentions the *Tibiæ* in the Funeral of *Julius Cæſar* (*e*), and *Seneca* in that of *Claudius*, in his *Apocolocynthoſis*. And *Ovid* ſays of himſelf in plain words,

Interea noſtri quid agant niſi triſte libelli?
Tibia funeribus convenit iſta meis. Triſt. 1. El. 1.

(*a*) Lib. 20. cap. 2. (*b*) *Plut.* de Animal. Solert. (*c*) De militiâ, lib. 4. cap. 10.
(*d*) On *Horace*, Book 1. Sat. 6. v. 44. (*e*) Cap. 83.

There-

Therefore it ſeems more probable that the Flutes or Pipes were[e] us'd in all ſorts of Funerals, as the moſt accurate *Kirchman* has given his Judgment.

It appears from the Figures of Trumpets and Flutes on the old Monuments, that the Inſtruments of thoſe Kinds us'd at Funeral Solemnities were longer than the ordinary ones; and ſo fitted to give a ſharper and more mournful Sound. Hence *Ovid* calls the Funeral Trumpet *longa tuba*.

Pro longâ reſonet carmina veſtra tubâ. Amor. 2. El. 6.

After the Muſicians, went the *Præficæ*, or the Mourning Women, hir'd on purpoſe to ſing the *nænia* or *leſſus*, the Funeral Song, fill'd with the Praiſes of the Deceas'd; but for the moſt part trifling and mean. Hence the Grammarian in *Gellius* took his Flout againſt the Philoſophers, *Vos Philoſophi mera eſtis (ut M. Cato ait) mortuaria Gloſſaria. Nam qui collegiſtis & lectitaſtis res tetras & inanes & frivolas, tanquam mulierum voces præficarum (a): You Philoſophers (as* Cato *ſays) are mere dealers in traſh, for you go and read and collect a Parcel of dry worthleſs Stuff, juſt ſuch for all the World, as the old Women whine out who are hir'd to ſing the Mourning Song at a Funeral.*

That the *Ludii* and *Hiſtriones*, the Mimicks and Players went before the Funeral Bed, and danc'd after the Satyrick manner, we have the Authority of *Dionyſius* in his Ninth Book. And *Suetonius* tells a Story of the Arch-Mimick who acted at the Funeral of *Veſpaſian* (*b*).

The Cuſtom for the Slaves to go with their Caps on before the Corps, and to be thereupon made Free, is confirm'd by a Law of *Juſtinian*, and we meet with many Examples of it in Hiſtory.

As to the Beds or Couches born before in the Funeral Solemnity, the Deſign of theſe was to carry the Waxen Images of the deceas'd Perſon's Anceſtors, which were therefore us'd only in the Funerals of thoſe who had the *jus imaginum*, the right of keeping the Effigies of the Men of their Family, which at home were ſet up in Wooden Preſſes, and taken thence to be publickly ſhown after this Manner, on the Death of any of their near Relations (*c*). Before the Corps of Princes, or ſome extraor-

(*a*) *A. Gell.* lib. 18. cap. 7. (*b*) Cap. 19. (*c*) *Plin.* N. H. lib. 35. cap. 2.

dinary

dinary Perſons, not only the Effigies of their Anceſtors, but the Statues too of other great Men were born in State. Thus *Auguſtus* order'd Six hundred Beds of Images to be carried before at the Funeral of *Marcellus*; and *Sylla* the *Dictator* had no leſs than Six thouſand (*a*).

Beſides all this, ſuch as had been eminent for their Atchievements in War, and gain'd any conſiderable Conqueſt, had the Images and Repreſentations of the Enemies they had ſubdu'd, or the Cities they had taken, or the Spoils won in Battel; as *Dionyſius* (*b*) reports in the Funeral of *Coriolanus*, and *Dio* (*c*) in that of *Auguſtus*. This Cuſtom *Virgil* alludes to in the Funeral of *Pallas*:

Multaq; præterea Laurentis præmia pugnæ
Aggerat, & longo prædam jubet ordine duci.

And a little after;

Indutoſq; jubet truncos hoſtilibus armis
Ipſos ferre duces, inimicaq; nomina figi.

The *Lictors* too made a part of the Proceſſion, going before the Corps to carry the *Faſces*, and other Enſigns of Honour, which the Deceas'd had a Right to in his Life-time. 'Tis very remarkable that the Rods were not now carried in the ordinary poſture, but turn'd quite the contrary way, as *Tacitus* reports in the Funeral of *Germanicus* (*d*). Hence *Albinovanus* in the Funeral of *Druſus*:

Quos primùm vidi faſces, in funere vidi,
Et vidi verſos, indiciumq; mali.

We may now go on to the Perſons who bore the Bier, or the Funeral-Bed; and theſe were for the moſt part the neareſt Relations, or the Heirs of the Deceas'd. Hence *Horace*, Book 2. Sat. 5.

——— *Cadaver*
Unctum oleo largo nudis humeris tulit hæres.

(*a*) *Servius* in *Æn.* 11. (*b*) Lib. 8. (*c*) Lib. 56. (*d*) Annal. 3.

And

And *Juvenal* Sat. 10.

Incolumi Trojâ Priamus veniſſet ad umbras
Aſſaraci magnis ſolemnibus, Hectore funus
Portante, & reliquis fratrum cervicibus——

Thus they report of *Metellus* who conquer'd *Macedon*, that he was carried to the Funeral-Pile by his four Sons; one of which was then *Prætor*, the other three had been all Conſuls, two had triumph'd, and one perform'd the Office of *Cenſor* (*a*).

Sometimes Perſons who had deſerv'd highly of the Common-Wealth were born at their Funerals, by the Magiſtrates, or the Senators, or the chief of the Nobility. Thus *Plutarch* relates of *Numa*, *Suetonius* of *Julius Cæſar* (*b*), and *Tacitus* of *Auguſtus* (*c*). And the very Strangers and Foreigners that happen'd to be at *Rome* at the Death of any worthy Perſon, were very deſirous of ſignifying their Reſpect to his Memory, by the Service of carrying the Funeral Bed, when he was to be buried: As *Plutarch* tells us in the Funeral of *Paulus Æmylius*, that as many *Spaniards*, *Ligurians* and *Macedonians* as happen'd to be preſent at the Solemnity, that were young and of vigorous Bodies, took up the Bed and bore it to the Pile.

Perſons of meaner Fortunes, and ſometimes great Men too, if they were hated by the People, were carried to their Burial by the *Veſpillones* or *Sandapilones*, who lived by this Employment. Thus *Suetonius* (*d*) and *Eutropius* (*e*) relate of the Emperour *Domitian*. Therefore in this laſt way of bearing out, we may ſuppoſe them to have us'd the *Sandapila* or common Bier, as in the former the *Lecticæ* or *Lecti*, the Litters or Beds. This Bier is what *Horace* and *Lucan* call *vilis Arca*.

——Anguſtis ejecta cadavera cellis
Conſervus vili portanda locabat in arcâ. Hor. L. 1. S. 8.

Da vilem Magno plebeii funeris arcam
Quæ lacerum corpus ſiccos effundat in ignes. Luc. lib. 8.

'Tis worth obſerving, that ſometimes the Bier or Bed was cover'd, and ſometimes not. It was expos'd open if the Party

(*a*) *Plin.* lib. 7. cap. 44. *Val. Max.* l. 7. (*b*) Cap. 84. (*c*) Annal. 1. (*d*) Cap. 17. (*e*) Lib. 7.

had

had died a natural Death, and was not very much deform'd by the Change; and therefore now and then they us'd to paint the Face, eſpecially of Women, to make them appear with more Advantage to the Sight. *Dio* tells us in the Life of *Nero*, that he daub'd the Body of *Britannicus* over with a ſort of White Waſh to hinder the Blueneſs of the Fleſh, and ſuch other Marks of the Poyſon from being diſcover'd; but a great Rain falling at the time of the Proceſſion, waſh'd off the Paint, and expos'd the Fatal Tokens to the View of the whole People.

But in Caſe the Viſage was very much diſtorted, or upon ſome other Account not fit to be ſhown, they threw a Covering over the Bed. Thus *Paterculus* reports that *Scipio Africanus* was carried forth to Burial *velato capite* (*a*). Sometimes too when the Face or Head had been miſerably bruiſed, as if the fall of an Houſe or ſome ſuch Accident had occaſion'd the Party's Death, they us'd to encloſe the Head and Face, in a Maſque, to hinder them from appearing, and the Funerals in which this was practis'd they term'd *larvata funera*.

But the greateſt part of the *Perſons* were thoſe that follow'd the Corpſe. Theſe in private Funerals were ſeldom many beſides the Friends and Relations of the Deceas'd, and 'twas very uſual in a Will to beſtow Legacies upon ſuch and ſuch Perſons, upon Condition they ſhou'd appear at the Funeral, and accompany the Corpſe. But at the *indictive* or publick Funerals the whole City flock'd together upon the General Invitation and Summons. The Magiſtrates and Senators were not wanting at the Proceſſion, nor even the Prieſts themſelves, as we find in the Funeral of *Numa* deſcrib'd by *Plutarch*.

To give an Account of the Habit and Geſture of the Mourners, or of the Relations and others that follow'd the Corpſe, is in a great meaſure unneceſſary; for the weeping, the bitter Complaints againſt the Gods, the letting looſe the Hair, or ſometimes cutting it off, the changing the Habit, and the laying aſide the uſual Ornaments, are all too well known to need any Explication. Yet there are many things ſingular in theſe Subjects which deſerve our farther Notice. Thus they did not only tear or cut off their Hair, but had a Cuſtom to lay it on the Breaſt, or ſometimes on the Tomb of the Deceas'd Friend. Hence *Ovid*, of the Siſters of *Narciſſus*:

--------Planxere ſorores
Naiades, & ſectos fratri impoſuere capillos.

(*a*) Lib. 2.

And

And *Statius*, Theb. 7.

--------Tergoque & pectore fuſam
Cæſariem ferro minuit, ſectiſq; jacentis
Obnubit tenuia ora comis----

'Tis no leſs obſervable that at the Funerals of their Parents, the Sons went cover'd on their Heads, and the Daughters uncover'd: Perhaps only to recede as far as poſſible from their ordinary Habit. Yet 'tis likely that in ordering the Sons to cover their Heads at ſuch Solemnities they had regard to the common Practice of always wearing ſomething on their Heads when they worſhip'd the Gods, and eſpecially when they were preſent at a Sacrifice. The Original and Grounds of this Superſtition are moſt admirably given by *Virgil* in the Prophet *Helenus* his Inſtructions to *Æneas*:

Quin ubi tranſmiſſæ ſteterint trans æquora claſſes,
Et poſitis aris, jam vota in littore ſolves,
Purpureo velare comas adopertus amictu:
Nequa inter ſanctos ignes in honore deorum
Hoſtilis facies occurrat, & omnia turbet.
Hunc ſocii morem ſacrorum, hunc ipſe teneto:
Hâc caſti maneant in relligione nepotes. Æn. 3.

As to the mourning Habits it has been already obſerv'd (*a*) that the *Senators* ſometimes on theſe Occaſions went attir'd like Knights, the Magiſtrates like *Senators*, &c. and that the common Wear for Mourning was Black. But we may farther remarke that tho' this was the ordinary Colour to expreſs their Grief, us'd alike by both Sexes; yet after the eſtabliſhment of the Empire, when abundance of Party-Colours came in Faſhion, the old Primitive White grew ſo much into contempt, that at laſt it became proper to the Women for their Mourning Cloaths. Thus *Statius* in the Tears of *Hetruſcus*.

Huc vittata comam niveoq; inſignis amictu
Mitibus exſequiis ades.

And tho' it may with ſome Reaſon be thought that the Poet here directing his Speech to the Goddeſs *Piety*, gives her that

(*a*) Book 5. cap. 7.

Habit

Habit rather as a mark of Purity and Innocence, than as the proper Badge of Grief in her Sex; yet the matter of Fact is ſtill evident from the Authority of *Plutarch*, who States this Subject for one of his Problems, and gives ſeveral Reaſons for the Practice.

After the *PERSONS* follows the *PLACE* whither the Proceſſion was directed, by which we muſt be guided in our next enquiry. In all the Funerals of Note, eſpecially in the Publick or *indictive*, the Corpſe was firſt brought with a vaſt Train of followers into the *Forum*. Thus *Horace* Book 1. Sat. 6.

——— At hic ſi ploſtra ducenta,
Concurrantq; foro tria funera, magna ſonabit
Cornua quod vincatq; tubas.

Here one of the neareſt Relations aſcended the *Roſtra* and oblig'd the Audience with an Oration in Praiſe of the Deceas'd. If none of the Kindred undertook the Office, it was diſcharg'd by ſome of the moſt eminent Perſons in the City for Learning and Eloquence, as *Appian* reports of the Funeral of *Sylla* (*a*). And *Pliny* the Younger reckons it as the laſt Addition to the Happineſs of a very great Man, that he had the Honour to be praiſed at his Funeral by the moſt Eloquent *Tacitus*, then Conſul (*b*); which is agreeable to *Quinctilian*'s Account of this Matter, *Nam & funebres*, &c. *For Funeral Orations* (ſays he) *depend very often on ſome publick Office, and by order of Senate are many times given in charge to the Magiſtrates to be perform'd by themſelves in Perſon* (*c*).

The invention of this Cuſtom is generally attributed to *Valerius Poplicola* ſoon after the expulſion of the Regal Family. *Plutarch* tells us, that, *honouring his Collegues Obſequies with a Funeral Oration, it ſo pleas'd the* Romans, *that it became cuſtomary for the beſt Men, to celebrate the Funerals of great Perſons with Speeches in their Commendation.*

Nor was this Honour proper to one Sex alone, for *Livy* reports that *the Matrons upon account of making a Collection of Gold for the deliverance of* Rome *from the* Gauls, *were allow'd as a ſignal Favour, to have Funeral Panegyricks in the ſame manner as the Men.* *Plutarch*'s Relation of this Matter differs from *Livy* only in the Reaſons of the Cuſtom: 'He acquaints us that when it 'was agreed after the taking of *Veii*, that a Bowl of Maſſy Gold

(*a*) Ἐμφυλ. lib. 1. (*b*) Lib. 2. Epiſt. 1. (*c*) Inſtitut. lib. 3. cap. 9.

'ſhou'd

'ſhou'd be made and ſent to *Delphi*, there was ſo great a ſcar-
'city of Gold, and the Magiſtrates ſo puzzled in conſidering
'how to get it, that the *Roman* Ladies meeting together and con-
'ſulting among themſelves, out of the Golden Ornaments that
'they wore, contributed as much as went to the making the Of-
'fering, which in Weight came to eight Talents of Gold. The
'*Senate* to give them the Honour they had deſerv'd, ordain'd
'that Funeral Orations ſhou'd be us'd at the Obſequies of Wo-
'men as well as of Men, which had never been a Cuſtom be-
'fore. But it ſeems probable that this Honour was at firſt only paid to aged Matrons; ſince we learn from the ſame excellent Author that there was no Preſident of any Funeral Oration on a younger Woman, 'till *Julius Cæſar* firſt made one upon the Death of his own Wife.

Cicero (*a*) and *Livy* (*b*) complain very much of this Cuſtom of Funeral-Speeches, as if they had conduc'd in a great meaſure to the corruption and falſifying of Hiſtory. For it being ordinary on theſe occaſions to be directed more by the Precepts of Oratory, than by the true Matter of Fact, it uſually happen'd, that the deceas'd Party was extoll'd on the Account of ſeveral noble Atcheivements to which he had no juſt Pretenſions: And eſpecially when they came to enquire into their Stock and Original, as was cuſtomary at theſe Solemnities, they ſeldom fail'd to clap in Three or Four of the moſt renowned Perſons of the Common-Wealth to illuſtrate the Family of the Deceas'd; and ſo by Degrees well nigh ruin'd all proper Diſtinctions of Houſes and Blood.

The next place to which the Corpſe was carried, was the place of Burning and Burial. It has been a Cuſtom among moſt Nations to appoint this without the City, particularly among *the Jews* and *Greeks*, from whom it may be ſuppos'd to have been deriv'd down to the *Romans*. That the *Jews* Buried without the City is evident from ſeveral places of the *New Teſtament*. Thus the Sepulchre in which *Joſeph* laid our *Saviour's* Body was *in the ſame Place in which he was crucified* (*c*), which was *near to the City* (*d*). And we read in St. *Matthew* that at our Lord's Paſſion *the Graves were open'd, and many Bodies of the Saints which ſlept aroſe, and came out of the Graves after his Reſurrection, and went into the Holy City, and appear'd unto many* (*e*).

As to the *Græcians*, *Servius* in an Epiſtle to *Tully* (*f*), giving an Account of the unhappy Death of his Collegue *Marcellus*, which

(*a*) In *Bruto*. (*b*) Lib. 8. (*c*) *John* 19. 41. (*d*) *John*. 19. 20. (*e*) *Matthew* 27. 52. and 53. (*f*) *Famil.* lib. 4. Epiſt. 12.

fell out in *Greece*, tells him, that he cou'd not by any means obtain Leave of the *Athenians* to allow him a Burying-Place within the City, they urging a religious Reſtraint in that Point, and the want of Precedents for ſuch a Practice.

The *Romans* follow'd the ſame Cuſtom, from the very firſt building of the City, which was afterwards ſettled in a Law by the *Decemviri*, and often reviv'd and confirm'd by ſeveral later Conſtitutions. The Reaſon of this Ancient Practice may be reſolv'd into a ſacred and a civil Conſideration. As to the former the *Romans* and moſt other People had a Notion that whatever had been conſecrated to the ſupernal Gods was preſently defiled upon the touch of a Corpſe, or even by bringing ſuch a Spectacle near it. Thus *Agellius* tells us that the *Flamen Dialis* might not on any Account enter into a Place where there was a Grave; or ſo much as touch a dead Body (*a*). And if the *Pontifex Maximus* happen'd to praiſe any one Publickly at a Funeral, he had a Veil always laid over the Corpſe to keep it from his Sight; as *Dio* reports of *Auguſtus* (*b*), and *Seneca* of *Tiberius* (*c*). 'Tis likely that this might be borrow'd from the *Jewiſh* Law, by which the High-Prieſt was forbid to uſe the ordinary Signs of Mourning, or to *go in to any dead Body* (*d*).

The civil Conſideration ſeems to have been that neither the Air might be corrupted by the ſtench of putrefied Bodies, nor the Buildings endanger'd by the frequency of Funeral Fires.

The Places then appointed for Burial without the City were either Private or Publick; the Private Places were the Fields or Gardens belonging to particular Families. Hence *Martial* took the Jeſt in one of his Epigrams on a Gentleman that had buried abundance of Wives:

Septima jam, Phileros, tibi conditur uxor in agro.
Plus nulli, Phileros, quàm tibi reddit ager.

If it was poſſible they always buried in that part of the Field or Garden which lay neareſt to the Common Road, both to put paſſengers in mind of mortality, and to ſave the beſt part of their Land. Thus *Juvenal* Sat. 1.

——— Experiar quid concedatur in illos
Quorum Flaminiâ tegitur cinis atq; Latinâ.

And we have ſcarce any Relation of a Burying in Authors, but they tell us the Urn was laid near ſuch a *Way*. *Propertius* is very

(*a*) Lib. 10. cap. 15. (*b*) Lib. 54. (*c*) Conſolat. ad *Mar.* cap. 15. (*d*) *Leviticus* 21. 10, 11.

earneſt

earneſt in deſiring that he may not be buried after this ordinary Cuſtom, near a celebrated Road, for fear it ſhou'd diſturb his Shade,

Dii faciant meâ ne terrâ locet oſſa frequenti
Quâ facit aſſiduo tramite vulgus iter.
Poſt mortem tumuli ſic infamantur amantum;
Me tegat arboreâ devia terrâ comâ.
Aut humet ignotæ cumulus vallatus arenæ;
Non juvat in mediâ nomen habere viâ, Lib. 3. Eleg. 15.

The Publick Burying Places were of Two Sorts, thoſe which were allotted to the Poor, and thoſe which were put to this Uſe only at the Funerals of great Perſons. The former were the *Puticulæ* or *Puticuli* without the *Eſquilian* Gate; they contain'd a great quantity of Ground, and were put to no other Uſe, than the burying the Bones and Aſhes of Perſons of the loweſt Rank, who had no private Place of their own to lay the Corpſe in. But becauſe the vaſt Number of Bones depoſited here, infecting the Air, rendred the neighbouring Parts of the City unhealthy, *Auguſtus* gave away a great many Acres of this Common Field to his Favourite *Mæcenas*, who turn'd it into fine Gardens. This *Horace* tells us at Large, Book 1. Sat. 8.

Huc priùs anguſtis ejecta cadavera cellis
Conſervus vili portanda locabat in arca,
Hic miſeræ plebi ſtabat commune ſepulchrum, &c.

The publick Place aſſign'd for the Burial of great Perſons was commonly the *Campus Martius*; this Honour cou'd not be procur'd but by a publick Decree of Senate, and was never conferred but on Men of the higheſt Stations and Merits. Thus *Plutarch* relates of *Lucullus*, and *Pompey*; *Appian* of *Sylla* (*a*), *Suetonius* of *Druſus* (*b*), and *Virgil* of *Marcellus*.

Quantus ille virûm magnam Mavortis ad urbem
Campus aget gemitus? vel quæ, Tiberine, videbis
Funera, cum tumulum præterlabere recentem! Æn. 6.

Cicero in his Ninth *Philippic* reports that *Servius Sulpitius* upon account of his many ſignal Services to the Common-Wealth,

(*a*) Ἐμφυλ. lib. 1. (*b*) *Claud.* cap 1.

was honour'd with a publick Sepulchre in the *Campus Eſquilinus*, or in any other Place where he pleas'd, Thirty Foot in Dimenſion every way, and to remain to his Heirs and Poſterity. But there are not many Inſtances of the like Practice.

It has been ſaid that the ordinary Cuſtom was to bury without the City, but we muſt except ſome Sepulchres, as thoſe of the *Veſtal* Virgins, whom *Servius* tells us the Laws allow'd a Burying-Place within the City (*a*). The ſame Honour was allow'd to ſome extraordinary Perſons, as to *Valerius Poplicola* (*b*), and to *Fabritius* (*c*), being to continue to their Heirs. Yet none of the Family were afterwards there interr'd, but the Body being carried thither, one plac'd a burning Torch under it, and then immediatly took it away; as an atteſtation of the Deceas'd's Priviledge, and his receding from his Honour: And then the Body was remov'd to another Place.

Having done with the *carrying forth*, we come to the *Act of Burial*. The Corpſe being brought in the manner already deſcrib'd, without the City, if they deſign'd to burn it, was carried directly to the place appointed for that purpoſe, (which if it was join'd with the Sepulchre, was call'd *Buſtum*, if ſeparate from it, *Uſtrina*) and there laid on the *rogus* or *Pyra*, a Pile of Wood prepar'd to burn it on. This Pile was built in the ſhape of an Altar, differing in Height according to the Quality of the Deceas'd. Thus *Virgil* in the Funeral of *Miſenus*, Æn. 6.

------Aramq; ſepulchri
Congerere arboribus, cœloq; educere certant.

And *Ovid* againſt *Ibis*:

Et dare plebeio Corpus inane rogo.

The Trees which they made uſe of, were commonly ſuch as had moſt Pitch or Roſin in them, and if they took any other Wood they ſplit it, for the more eaſie catching Fire:

Procumbunt piceæ, ſonat icta ſecuribus ilex
Fraxineæq; trabes; cuneis & fiſſile robur
Scinditur.----- Virg. Æn. 6.

(*a*) Ad Æn. 9. (*b*) *Plutarch* in his Life. (*c*) *Cicero.*

Round

Round about the Pile they us'd to ſet a parcel of Cypreſs-Trees; perhaps to hinder the noiſom Smell of the Corpſe. This Obſervation is owing to *Virgil* in the ſame Place:

Ingentem ſtruxere pyram, cui frondibus atris
Intexunt latera, & ferales ante cupreſſus
Conſtituunt.

That the Body was plac'd on the Pile not by it ſelf but together with the Couch or Bed on which it lay, we have the Authority of *Tibullus*, Book 1. El. 1.

Flebis, & arſuro poſitum me, Delia, *lecto.*

This being done, the next of Bloud perform'd the Ceremony of lighting the Pile, which they did with a Torch, turning their Face, all the while, the other way, as if it was done out of Neceſſity, and not willingly. Thus *Virgil* Æn. 6.

----Subjectam, more parentum,
Averſi tenuere facem.

As ſoon as the Wood took Fire, they wiſh'd and pray'd for a Wind to aſſiſt the Flames, and haſten the conſuming of the Body which they look'd on as a fortunate Accident. Thus *Cynthia* in *Propertius*:

Cur ventos non ipſe rogis, ingrate, petiſti?

And *Plutarch* in the Life of *Sylla* reports, 'That the Day being 'Cloudy over Head, they deferr'd carrying forth the Corpſe 'till 'about three in the Afternoon, expecting it wou'd rain: But a 'ſtrong Wind blowing full againſt the Funeral-Pile, and ſetting 'it all on a Flame, his Body was conſum'd in a Moment. As 'the Pile ſhrunk down, and the Fire was upon going out, the 'Clouds ſhower'd down, and continued raining till Night. So 'that his good Fortune was firm even to the laſt, and did as it 'were officiate at his Funeral.

At the Funerals of the Empercurs or Renowned Generals, as ſoon as the Wood was lighted, the Soldiers and all the Company made a ſolemn Courſe (*Decurſio*) three times round the Pile, to ſhow their Affection to the Deceas'd; of which we have numerous

merous Examples in Hiſtory. *Virgil* has not forgot to expreſs this Cuſtom:

Ter circum accenſos cincti fulgentibus armis
Decurrere rogos ter mœſtum funeris ignem
Luſtravere in equis, ululatuſq; ore dedere. En. 11.

The Body never burnt without Company, for becauſe they fanſied that the Ghoſts delighted in Blood, twas cuſtomary to kill a great Number of Beaſts, and throw them on the Pile:

Multa boum circa mactantur corpora morti
Setigeráſq; ſues raptaſq; ex omnibus agris
In flammam jugulant pecudes---- Virg. Æn. 11.

In the more ignorant and barbarous Ages they us'd to murder Men, and caſt them into the Funeral-Flames of Princes and Commanders. The Poets never burn a Heroe, without this inhumane Ceremony. *Homer* gives *Patroclus*

Δώδεκα μὲν Τρώων μεγαθύμων υἷας ἐδῄσας.

And *Virgil* lib. 10.

Quatuor hic juvenes, totidem quos educat Ufens,
Viventes rapit, infernis quos immolet umbris,
Captivoq; rogi perfundat ſanguine flammas.

But beſides theſe there were abundance of Preſents thrown into the Fatal Flames of ſeveral ſorts: Theſe conſiſted for the moſt Part of coſtly Garments and Perfumes thrown on the Body as it burn'd. Thus *Virgil* Æn. 6.

Purpureaſq; ſuper veſtes velamina nota,
Conjiciunt.

And *Plutarch* makes the extravagant Expences of *Cato Junior* at the Funeral of his Brother *Cæpio*, to have been taken up in *a vaſt quantity of coſtly Garments and Perfumes.*

All the Precious Gums, Eſſences, and Balſams that the Ancients were acquainted with, we find employ'd in their Funerals: Hence *Juvenal* deſcribes a Fop that us'd abundance of Eſſence.

Et

Et matutino ſudans Criſpinus amomo,
Quantum vix redolent duo funera.------Sat. 4.

The Soldiers and Generals had uſually their Arms burnt with them on the Pile. Thus *Virgil* in the Funeral of *Miſenus.*

--------*Decorantq; ſuper fulgentibus armis.* Æn. 6.

And in another Place he adds the Spoils taken from the Enemy:

Hinc alii ſpolia occiſis direpta Latinis
Conjiciunt igni, galeas enſeſq; decoros,
Frænaq; ferventeſq; rotas: Pars munera nota
Ipſorum clypeos, & non felicia tela,

When the Pile was burn'd down they put out the remains of the Fire, by ſprinkling Wine, that they might the more eaſily gather up the Bones and Aſhes.

Poſtquàm collapſi cineres, ac Flamma quievit,
Reliquias vino & bibulam lavere favillam, Virg. Æn. 6.

This gathering up the Bones and Aſhes, and putting them into an Urn, was the next Office paid to the Deceas'd, which they term'd *oſſilegium.* The whole Cuſtom is moſt fully and elegantly deſcrib'd by *Tibullus* in his Third Book Eleg. 2.

Ergo ubi cùm tenuem, &c.

How the Aſhes and Bones of the Man came to be diſtinguiſhed from thoſe of the Beaſts, and Wood, and other Materials, is not eaſie to be conceiv'd, unleſs we ſuppoſe the difference to have aroſe from the artificial placing of the Corpſe on the Pile, ſo that every thing elſe ſhou'd fall away on each ſide, and leave the Humane Reliques in a Heap by themſelves.

Nothing now remain'd but to put the Urn into the Sepulchre, and ſo ſprinkle the Company with Holy-Water, and ſo diſmiſs them. *Virg.* Æn. 6.

Oſſaq; lecta cavo texit Chorinæus *aheno,*
Idem ter ſocios purâ circumtulit undâ,

Spargens rore levi & ramo felicis olivæ,
Luſtravitq; viros, dixitq; noviſſima verba.

Theſe *noviſſima verba* were either directed to the Deceas'd, or to the Company. The form of Speech with which they took leave of the Deceas'd was, *Vale, vale, vale, nos te ordine, quo natura permiſerit cuncti ſequemur.* The word with which the *Præfica* diſmiſs'd the People was *ILICET*, as much as *ire licet.* As they went away they had a Cuſtom of wiſhing for *Light Earth*, to lay on the Relicks, which they reckon'd a great Happineſs, Hence 'tis an uſual Inſcription on Ancient Funeral Monuments *S. T. T. L.* or *Sit tibi terra levis.*

To enquire into the Original of Sepulchres, their ſeveral Kinds and Forms, the variety of Ornaments, the difference of Inſcriptions, and the many ways of violating the Tombs of the Dead, wou'd be too nice a Diſquiſition for the preſent Deſign. Yet we muſt no: paſs by the *Cenotaphia*, or Monuments erected on a very ſingular Account, either to Perſons buried in another Place, or to thoſe who had receiv'd no Burial, and whoſe Reliques cou'd not be found.

Thus *Suetonius* tells us that the Soldiers in *Germany*, rais'd an *Honorary Tomb* to the Memory of *Druſus*, tho' his Body had been carried to *Rome*, and depoſited in the *Campus Martius* (*a*). And we often find the Generals raiſing Tombs to the Honour of thoſe Soldiers whoſe Bodies cou'd not be found after a fight. Theſe *tumuli inanes* or *honorarii*, when erected to the Memory of particular Perſons, were uſually kept as ſacred as the true Monuments, and had the ſame Ceremonies perform'd at them. Thus *Virgil* deſcribes *Andromache* keeping the Anniverſary of *Hector*'s Death. Æn. 3.

Solemnes tum forte dapes, & triſtia dona
Libabat cineri Andromache, maneſq; vocabat
Hectoreum ad tumulum, viridi quem ceſpite inanem,
Et geminas cauſam lachrymis ſacraverat aras.

And *Æneas* tells *Deiphobus* that he has paid him ſuch an Honour.

Tunc egomet tumulum Rhœteo in littore inanem
Conſtitui, & magnâ Manes ter voce vocavi:
Nomen & arma locum ſervant.——————
Æneid, 6.

(*a*) *Sueton. Claud.* cap. 1.

AFTER

AFTER THE FUNERAL we are to take notice of the ſeveral Rites perform'd in Honour of the Dead, at the Feſtivals inſtituted with that deſign. The chief time of paying theſe Offices was the *Feralia*, or Feaſt of the Ghoſts in the Month of *February*, but 'twas ordinary for particular Families to have proper Seaſons of diſcharging this Duty, as the *Novemialia*, the *Denicalia* and the like. The Ceremonies themſelves may be reduc'd to theſe Three Heads, Sacrifices, Feaſts, and Games; to which if we ſubjoin the Cuſtoms of Mourning, and of the Conſecration, we ſhall take in all that remains on this Subject.

The Sacrifices (which they call'd *Inferiæ*) conſiſted of Liquors, Victims and Garlands. The Liquors were Water, Wine, Milk, Blood, and liquid Balſam.

Hic duo rite mero libans carcheſia Baccho
Fundit humi, duo lacte novo, duo ſanguine ſacro. Virg. Æn. 5.

The Blood was taken from the Victims offer'd to the *Manes*, which were uſually of the ſmaller Cattel, tho' in ancient Times 'twas Cuſtomary to uſe Captives or Slaves in this Inhumane Manner.

The Balſams and Garlands occur every where in the Poets. *Propert.* Lib. 3. Eleg. 15.

Afferet huc unguenta mihi, ſertiſque ſepulchrum
Ornabit, cuſtos ad mea buſta ſedens.

Tibullus, Lib. 3. Eleg. 4.

Atq; aliquũ ſenior, veteres veneratus amores,
Annua conſtructo ſerta dabit tumulo.

Beſides theſe Chaplets, they ſtrow'd looſe Flowers about the Monument. Thus *Virgil*, Æn. 5.

Purpureos jecit flores, ac talia fatur.

And again Æn. 6.

Tu Marcellus eris. Manibus dace lilia plenũ:
Purpureos ſpargam flores; animamq; nepotũ
His ſaltem accumulem donũ, & fungar inani
Munere.

The

The Feaſts celebrated to the Honour of the Deceas'd, were either private, or publick. The Private Feaſts were term'd *Silicernia*, from *Silix* and *Cœna*, as if we ſhou'd ſay *Suppers made on a Stone*. Theſe were prepar'd both for the Dead and the Living. The Repaſt deſign'd for the Dead, conſiſting commonly of Beans, Lettices, Bread and Eggs, or the like, was laid on the Tomb for the Ghoſts to come out and eat, as they fanſied they wou'd, and what was left they burnt on the Stone. Travellers tell us that the *Indians* at preſent have a ſuperſtitious Cuſtom much of this Nature, putting a piece of Meat always in the Grave with the dead Body, when they bury in the Plantations.

'Twas from this Cuſtom that to expreſs the moſt miſerable Poverty of Creatures almoſt ſtarv'd, they us'd to ſay *ſuch an one got his Victuals from the Tombs.* Thus *Catullus*;

Uxor Menenî ſæpè quam in ſepulchretis
Vidiſtis ipſo rapere de rogo cœnam,
Quum devolutum ex igne proſequens panem
A ſemiraſo tunderetur uſtore.

And *Tibullus* his Curſe is much to the ſame purpoſe.

Ipſa fame ſtimulante furens eſcaſq; ſepulchro
Quærat, & à ſævis oſſa relicta lupis.

The Private Feaſts *for the Living* were kept at the Tomb of the Deceas'd, by the neareſt Friends and Relations only.

The Publick Feaſts were when the Heirs or Friends of ſome rich or great Perſon oblig'd the People with a general Treat to his Honour and Memory; as *Cicero* reports of the Funeral of *Scipio Africanus* (*a*), and *Dio* of that of *Sylla* (*b*). And *Suetonius* (*c*) relates that *Julius Cæſar* gave the People a Feaſt in Memory of his Daughter. There was a Cuſtom on theſe Occaſions to diſtribute a Parcel of raw Meat among the poor People, which they term'd *viſceratio*; tho' this was ſometimes given without the Publick Feaſts.

The Funeral Games have already been diſpatch'd among the other Shows.

As to the Cuſtom of Mourning, beſides what has been before obſerv'd by the bye, we may farther take notice of the time ap-

(*a*) In Orat. pro *Murana*. (*b*) Lib. 37. (*c*) Cap. 22.

pointed

pointed for that Ceremony, and ſome of the moſt remarkable Ways of expreſſing it. 'Numa (as *Plutarch* tells us in his Life) 'preſcrib'd Rules for regulating the Days of Mourning, accord-'ing to certain Times and Ages. As for Example, a Child of 'Three Years, and ſo upwards to Ten, was to be mourn'd for 'ſo many Months as it was Years Old. And the longeſt time 'of Mourning for any Perſon whatſoever, was not to exceed the 'Term of Ten Months: Which alſo was the time appointed 'unto Widows to lament the loſs of their deceas'd Husbands, 'before which they cou'd not without great Indecency paſs un-'to ſecond Marriages: But in caſe their Incontinence was ſuch 'as cou'd not admit ſo long an Abſtinence from the Nuptial-'Bed, they were to ſacrifice a Cow with a Calf for expiation 'of their Fault.

Now *Romulus* his Year conſiſting but of Ten Months, when *Numa* afterwards added two Months more, he did not alter the Time he had before ſettled for Mourning, and therefore tho' after that Time we meet with *luctus annuus*, or a Year's Mourning often taken upon the Death of ſome Eminent Perſon, we muſt take it only for the old Year of *Romulus*, or the ſpace of Ten Months.

There were ſeveral Accidents which often occaſion'd the concluding of a Publick or Private Mourning before the fix'd Time; ſuch as the Dedication of the Temple, the Solemnity of Publick Games, or Feſtivals, the ſolemn *Luſtration* performed by the *Cenſor*, and the diſcharging any Vow made by a Magiſtrate or General; which being Times of publick Rejoycing, wou'd have otherwiſe imply'd a Contradiction.

As to the Tokens of Private Grief, they had none but what are common to moſt Nations, as the keeping their Houſe for ſuch a time, the avoiding all manner of Recreations and Entertainments, and the like. But in Publick Mourning 'twas a ſingular Cuſtom to expreſs their Concern by making the Term and all Buſineſs immediately to end, and ſettling a Vacation, till ſuch a Period; of which we have frequent Inſtances.

The laſt Ceremony deſign'd to be ſpoken of was Conſecration. This belong'd properly to the Emperors, yet we meet too with a private Conſecration which we may obſerve in our way. This was when the Friends and Relations of the Deceas'd canoniz'd him, and paid him Worſhip in private, a piece of Reſpect commonly paid to Parents by their Children, as *Plutarch* obſerves in his *Roman* Queſtions. Yet the Parents too ſometimes conferr'd the ſame Honour on their deceas'd Children, as *Cicero* promiſeth

to

to do for his Daughter *Tullia*, in the end of his Conſolation; and tho' that Piece be ſuſpected as we now have it, yet the preſent Authority loſes nothing of its Force, being cited heretofore by *Lactantius*, according to the Copies extant in his time.

The Publick Conſecration had its Original from the Deification of *Romulus*, but was afterwards diſcontinued till the time of the Emperors, on moſt of whom this Honour was conferr'd. The whole Ceremony is moſt accurately deſcrib'd by *Herodian* in his Fourth Book, the Tranſlation of which Place may conclude this Subject.

'The *Romans* (ſays he) have a Cuſtom to conſecrate thoſe 'Emperors who leave either Sons, or deſign'd Succeſſors at their 'Death; and thoſe who receiv'd this Honour are ſaid to be en-'roll'd among the Gods. On this Occaſion the whole City main-'tain a Publick Grief, mix'd as it were with the Solemnity of a 'Feſtival. The true Body is buried in a very Sumptuous Fune-'ral, according to the ordinary Method. But they contrive to 'have an Image of the Emperor in Wax, done to the Life; and 'this they expoſe to publick view, juſt at the entrance of the 'Palace Gate, on a ſtately Bed of Ivory cover'd with rich Gar-'ments of Embroider'd Work, and Cloath of Gold. So the I-'mage lies there all pale, as if under a dangerous Indiſpoſition. 'Round the Bed there ſit, the greateſt part of the Day, on the 'Left-ſide, the whole Senate in Black; on the Right, the Aged 'Matrons, who either upon account of their Parents or Husbands 'are reputed Noble; they wear no Jewels or Gold, or other 'uſual Ornaments, but are attir'd in cloſe white Veſts, to expreſs 'their Sorrow and Concern. This Ceremony continues Seven 'Days together; the Phyſicians being admitted every Day to 'the Bed, and declaring the Patient to grow all along worſe and 'worſe. At laſt when they ſuppoſe him to be dead, a ſelect 'Company of Young Gentlemen of the Senatorian Order take 'up the Bed on their Shoulders, and carry it thro' the *Holy Way* 'into the old *Forum*, the place where the *Roman* Magiſtrates us'd 'to lay down their Offices. On both ſides there are rais'd Gal-'leries with Seats one above another, one ſide being fill'd with 'a Choire of Boys all Nobly Deſcended, and of the moſt emi-'nent *Patrician* Families; the other with a like Set of Ladies of 'Quality; who both together ſing Hymns and Pæans compos'd 'in very mournful and paſſionate Airs, to the Praiſe of the De-'ceas'd. When theſe are over, they take up the Bed again, and 'carry it into the *Campus Martius*; where, in the wideſt part of 'the Field, is erected a fourſquare Pile, entirely compos'd of

'large

'large Planks, in Shape of a Pavilion, and exactly regular and 'equal in the Dimenſions. This in the inſide is fill'd up with dry 'Chips, but without is adorn'd with Coverlids of Cloth of Gold, 'and beautified with Pictures, and curious Figures in Ivory. 'Above this is plac'd another Frame of Wood, much leſs indeed, 'but ſet off with Ornaments of the ſame Nature, and having 'little Doors or Gates ſtanding open about it. Over this are 'ſet a Third and a Fourth Pile, every one being conſiderably 'leſs than that on which it ſtands; and ſo others perhaps, till 'they come to the leaſt of all, which forms the Top. The Fi'gure of this Structure altogether may be compar'd to thoſe 'Watch Towers, which are to be ſeen in Harbours of Note, 'and by the Fire on their Top direct the Courſe of the Ships 'into the Haven. After this, hoiſting up the Body into the ſe'cond Frame of Building, they get together a vaſt Quantity of 'all manner of ſweet Odours and Perfumes, whether of Fruits, 'Herbs, or Gums, and pour them in Heaps all about it: There 'being no Nation, or City, or indeed any Eminent Men, who 'do not rival one another in paying theſe laſt Preſents to their 'Prince. When the Place is quite fill'd with a huge Pile of 'Spices and Drugs, the whole Order of Knights ride in a So'lemn proceſſion round the Structure, and imitate the Motions of 'the *Pyrrhic* Dance. Chariots too, in a very regular and decent 'Manner, are drove round the pile, having the Coach-men 'cloath'd in purple, and bearing the Images of all the Illuſtri'ous *Romans*, renown'd either for their Command and Admini'ſtration at Home, or their Memorable Atchievements in War. 'This Pomp being finiſh'd, the Succeſſor to the Empire taking a 'Torch in his Hand, puts it to the Frame, and at the ſame time 'the whole Company aſſiſt in lighting it in ſeveral places, when 'on a ſudden the Chips and Drugs catching Fire, the whole pile 'is quickly conſum'd. At laſt, from the higheſt and ſmalleſt 'Frame of Wood, an Eagle is let looſe, which aſcending with the 'Flames towards the Sky is ſuppos'd to carry the Prince's Soul to 'Heaven.

CHAP.

CHAP. IX.

Of the ROMAN *Entertainments.*

THE peculiar Cuſtoms of the *Romans* in reference to eating and drinking will eaſily fall under the Three Heads of the Time, the Place, and the Manner of their Entertainments. As to the firſt, the *Romans* had no proper Repaſt beſides Supper, for which the ordinary Time was about their Ninth Hour, or our Three a Clock. Thus *Martial* reckoning up the Buſineſs of every Hour,

Imperat exſtructos frangere nona toros.

But the more frugal made this Meal a little before Sun-ſet, in the Declenſion of the Day.

Nunc eadem labente die convivia quærit. Virg. Æn. 4.

On the other ſide the Voluptuous and Extravagant commonly begin their Feaſts before the ordinary Hour. Thus *Horace*, Book 1. Od. 1.

Nec partem ſolido demere de die
Spernit.

And *Juvenal*, Sat. 10.

Exul ab octavâ Marius bibit.

Thoſe that cou'd not hold out till Supper, us'd to break their Faſt in ſome other part of the Day, ſome at the Second Hour, ſome at the Fourth, anſwering to our Eight and Ten; ſome at the Sixth or about Noon, others at the Eighth or our Two, as their Stomachs requir'd, or their Employments gave them leave. At this time they ſeldom eat any thing but a bit of Dry-bread, or perhaps a few Raiſins or Nuts, or a little Honey. From the different Hours of taking this Breakfaſt, 'tis likely that the *jentaculum*, *prandium*, *merenda*, &c. had their original, being really the ſame Repaſt made by ſeveral perſons at ſeveral times (*a*).

The *PLACE* in which the *Romans* eat, was anciently call'd *Cœnaculum*. *Seneca*, *Suetonius* and others, ſtile it *Cœnatio*. But

(*a*) *Dacier* on *Horace*, Book 1. Od. 1.

the

the moſt common Appellation, which they borrow'd from the *Græcians* was *Triclinium*. *Servius* on the firſt of the *Æneids* to that Verſe.

Aureâ compoſuit Spondâ mediumq; locavit.

takes an Occaſion to reprehend thoſe Grammarians who will have *Triclinium* to ſignifie a Room to ſup in, and not barely a Table. Yet (to omit a tedious Number of Citations from other Authors) *Tully* himſelf uſeth the Word in that Sence: For in one of his Epiſtles he tells *Atticus* (*a*) that when *Cæſar* came to *Philippi*, the Town was ſo full of Soldiers, as to leave *Cæſar* ſcarce a *Triclinium* to ſup in.

Anciently the *Romans* us'd to ſup ſitting, as the *Europeans* at preſent, making uſe of a long Table.

Perpetuis ſoliti patres conſiſtere menſis. Virg. Æn. 8.

Afterwards the Men took up a Cuſtom of lying down, but the Women for ſometime after ſtill kept to ſitting as the more decent Poſture (*b*). The Children too of Princes and Noblemen for the ſame Reaſon us'd to ſit at the Backs of the Couches (*c*), whence after a Diſh or Two they withdrew without cauſing any Diſturbance. Yet as to the Women 'tis evident that in after-times they us'd the ſame Poſture at the Table as Men. Thus *Cicero* in an Epiſtle to *Pætus* telling him of one *Clyteriæ*, a Gentlewoman that was lately at a Treat with him, makes uſe of the Word *accubuit*. And *Ovid* in his Fourth Love-Elegy of the Firſt Book, adviſeth his Miſtreſs about her Carriage at the Table before her Husband,

Cùm premit ille torum, vultu comes ipſe modeſto
Ibi ut accumbas.------

And *Suetonius* relates, that at an entertainment of the Emperour *Caligula*, he plac'd all his Siſters one by one below himſelf, *uxore ſupra cubante, his Wife lying above him.*

When they began thus to lay down in ſtead of ſitting at Meat, they contriv'd a ſort of Beds or Couches of the ſame nature with thoſe on which they ſlept, but diſtinguiſh'd from them by

(*a*) Lib. 15. Epiſt. 50. (*b*) *Val. Max.* lib. 2. cap. 1. (*c*) *Tacitus* Ann. 13. *Suetonius Claud.* cap. 32.

the

the Name of *lecti triclinjorum*, or, *tricliniares*, the other being call'd *lecti cubicularii*.

They were made in ſeveral forms, but commonly fourſquare, ſometimes to hold Three or Four, ſometimes Two Perſons, or only one. Yet in the ſame Entertaining-Room it was obſerv'd to have all the Couches of the ſame Shape and Make. After the round Citron-Tables grew in Faſhion, they chang'd the Three Beds (which denominated the *Triclinium*) for the *Stibadium*, one ſingle large Couch in the Shape of a Half-Moon, or of the *Græcian Sigma*, from which it ſometimes borrow'd its Name, as in *Martial*.

Accipe lunatâ ſcriptum teſtudine ſigma.

Theſe *Stibadia* took their ſeveral Names from the Number of Men that they held, as the *Hexaclinon* for Six, the *Heptaclinon* for Seven, and ſo on.

The higher the Beds were, the more Noble and Stately, and the more Decent too they were thought. Hence *Virgil* Æn. 2.

Inde toro pater Æneas ſic orſus ab alto.

And again Æn. 6.

---------Lucent genialibus altis
Aurea fulcra toris---------

On the contrary, low Couches were look'd on as ſo extremely Scandalous, that (as *Valerius Maximus* tells the Story) one *Ælius Tubero*, a Man of great Integrity and of very Noble Progenitors, being a Candidate for the Prætorſhip, loſt the Place, only for making uſe of a low ſort of Supping-Beds, when he gave the People a publick Entertainment (*a*).

On the Beds they laid a kind of Ticks or Quilts, ſtuffed with Feathers, Herbs, or Tow; which they call'd *culcitræ*. Over theſe they threw in ancient Times nothing but Goat's Skins; which were afterwards chang'd for the *ſtragula*, the Coverlids or Carpets: Theſe we ſometimes find under the Name of *toralia* on account of belonging to the *torus*. Thus in *Horace*,

----------Ne turpe toral, ne ſordida mappa
Corruget nares. Lib. 2. Epiſt. 5.

(*a*) *Val. Max.* Lib. 7. cap. 5.

And

And again,

Et Tyrias dare circum illota toralia, veſtes. Lib. 2. Sat. 4.

On the Carpets were laid *Pulvini*, or Pillows, for the Gueſts to lean their Backs on.

'Twou'd be endleſs to deſcribe the Variety and Richneſs of the Furniture with which they ſet off their Tables. It will be enough to obſerve from *Pliny*, that when *Carthage* was finally deſtroy'd by *Scipio Africanus*, the whole Maſs of Treaſure found in that City, which had ſo long contended for Riches, Glory and Empire with *Rome* it ſelf, amounted to no more than what in *Pliny*'s time was often laid out in the Furniture of a Table (*a*).

As to the manner of the Entertainment, the Gueſts in the firſt place Bath'd with the Matter of the Feaſt, and then chang'd their ordinary Cloths for the *veſtis convivalis* or *cœnatoria*, a light kind of Frock; at the ſame time having their *ſoleæ* pull'd off by the Slaves, that they might not foul the fine Carpets, and Furniture of the Beds. And now taking their Places, the firſt Man lay at the Head of the Bed, reſting the fore Part of his Body on his Left-Elbow, and having a Pillow or Bolſter to prop up his Back. The next Man lay with his Head towards the Feet of the firſt, from which he was defended by the Bolſter that ſupported his own Back; commonly reaching over to the Navel of the other Man; and the reſt after the ſame manner. Being ſettled on the Beds, in the next place they waſh'd their Hands:

——Stratoq; ſuper diſcumbitur oſtro
Dant manibus famuli lymphas. Virg. Æn. 1.

After this they were ſerv'd with Garlands, of Roſes and whatever other Flowers were in Seaſon, which they did not wear only on their Heads, but ſometimes too about their Necks and Arms: This too was the time to preſent them with Eſſences and Perfumes.

The Number of Gueſts is by *Agellius* ſtated according to *Varro*, that they ſhou'd not be fewer than Three, or more than Nine; either to expreſs the Number of the *Graces* or the *Muſes*.

The moſt honourable Place was the middle Bed, and the middle of that. *Horace* deſcribes the whole Order of ſitting in his Eighth Satyr of the 2 Book:

Summus ego, & prope me Viſcus Sabinus, & infra,
Si memini, Varius: cum Servilio Balatrone

(*a*) Nat. Hiſt. lib. 33. cap. 11.

Vibidius; quos Mæcenas adduxerat umbras,
Nomentanus erat ſuper ipſum, Porcius infra.

So that *infra aliquem cubare* is the ſame as to lay in ones Boſom, as St. *John* is ſaid to have done in our Saviour's; whence Learned Men have thought that either the ſame Cuſtom was obſerv'd in almoſt all Nations; or elſe that the *Jews*, having been lately conquered by *Pompey*, conform'd themſelves in this, as in many other reſpects, to the Example of their Maſters.

At the beginning of the Feaſt they laid on their Bellies, their Breaſts being kept up with Pillows, that they might have both their Hands at Liberty; but towards the Latter End they either reſted themſelves on their Elbows, as *Horace* ſays,

Languidus in cubitum jam ſe conviva reponet.

And in another place,

Et cubito remanete preſſo. Carm. 1. Od. 27.

or if they had not a mind to talk, they lay all along; all which Poſtures are to be ſeen in the old Marbles, which preſent the Draughts of an Entertainment.

They ſeem to have brought in the ſeveral Courſes in Tables, and not by ſingle Diſhes; as *Servius* obſerves on that of *Virgil*, Æn. 5.

Poſtquam prima quies epulis, menſæq; remotæ.

But ſome will underſtand by *menſæ* in that place, rather the Diſhes than the Tables, becauſe it follows preſently after,

Dixit, & in menſâ laticum libavit honorem.

unleſs we ſuppoſe that as ſoon as the Table of Victuals was remov'd, another was ſet in its Place with nothing but Drink.

They wanted no manner of Diverſion while they were eating, having ordinarily Muſick and Antick Dances, and in Ancient Times Combats of *Gladiators*.

Plutarch tells us that *Julius Cæſar*, once in a Treat which he made for the People, had no leſs than 22000 *Triclinia*, which is enough to give an Idea of their publick Entertainments.

CHAP.

CHAP. XII.

Of the ROMAN *Names.*

THE *Roman* Names, which many times grievously puzel ordinary Readers may be divided into four sorts, the Names of the *ingenui*, or Free-Born, the Names of the Freed-Men and Slaves, the Names of the Women, and the Names of Adopted Persons.

The *Ingenui* had Three several Names, the *Prænomen*, the *Nomen*, and the *Cognomen*. Hence *Juvenal* Sat. 5.

--------Si quid tentaveris unquam
Hiscere, tanquam habeas tria nomina.-----

The *Prænomen* answers to our *Christian* Name, but was not impos'd till the assuming the *Manly Gown*. The Names of this sort most in use, together with the initial Letters, which ordinarily stand for them in Writing, are as follow;

A. *Aulus*, C. *Caius*, D. *Decimus*, K. *Cæso*, L. *Lucius*, M. and M. *Manius* and *Marcus*, N. *Numerius*, P. *Publius*, Q. *Quinctus*, T. *Titus*.

AP. *Appius*, CN. *Cneus*, SP. *Spurius*, TI. *Tiberius*, MAM. *Mamercus*, SER. *Servius*, SEX. *Sextus*.

The *Nomen* immediately follow'd the *Prænomen*, answering to the *Græcian Patronymicks*. For as among them the Posterity of *Æacus* had the Name of *Æacidæ*, so the *Julian* Family in *Rome* were so call'd from *Iulus* or *Ascanius*. But there were several other Reasons which gave Original to some of the *Prænomens*, as living Creatures, Places, and Accidents, which are obvious in reading.

The *Cognomen* was added in the Third Place, on the Account of distinguishing Families, and was assum'd from no certain Cause, but usually from some particular Occurrence. But this must be understood principally of the first Original of the Name, for afterwards it was Hereditary, tho' frequently chang'd for a new one.

Grammarians usually add a fourth Name which they call *Agnomen*; but this was rather an Honourable Title: As *Cato* was oblig'd with the constant Epithet of the *Wise*, *Crassus* of the *Rich*: And hence came the *Africani*, the *Asiatici*, the *Macedonici*, &c. *Tully* frequently uses *Cognomen* to signifie these Appellations; and

therefore there is no need of being ſo Scrupulous as to expreſs our ſelves in theſe Caſes, by the fourth Word.

The Slaves in Ancient Times had no Name, but what they borrowed from the *Prænomen* of their Maſter; as *Lucipor*, *Publipor*, *Marcipor*, as much as to ſay, *Lucii puer*, *Publii puer* &c. (*a*). When this Cuſtom grew out of Faſhion, the Slaves were uſually call'd by ſome proper Name of their own, ſometimes of *Latine* and ſometimes of *Græcian* Original; this was very often taken from their Country, as *Davus*, *Syrus*, *Geta*, &c. Upon their Manumiſſion they took up the *Prænomen* and the *Nomen* of their Maſters, but inſtead of the *Cognomen* made uſe of their former Name; as *Marcus Tullius Tyro*, the Freed-Man of *Cicero*. After the ſame Manner it was cuſtomary for any Foreigner who had been made a Free Denizen of *Rome*, to bear the *Nomen* and *Prænomen* of the Perſon on whoſe Account they obtain'd that Privilege.

The Women had Anciently their *Prænomens* as well as the Men, ſuch as *Caia*, *Cæcilia*, *Lucia*, &c. But afterwards they ſeldom us'd any other beſides the proper Name of their Family, as *Julia*, *Marcia* and the like. Where there were two Siſters in a Houſe, the diſtinguiſhing Terms were *Major* and *Minor*; if a greater Number, *Prima*, *Secunda*, *Tertia*, *Quarta*, *Quinta*, or by contraction, *Secundilla*, *Quartilla*, and *Quintilla*.

Adopted Perſons aſſum'd all three Names of him who oblig'd them with this kindneſs, but as a Mark of their proper Deſcent added at the end either their former *Nomen* or *Cognomen*; the firſt exactly the ſame as before, (as *Q. Servilius Cepio Agalo Brutus* the Name of *M. Junius Brutus*, when adopted by *Q. Servilius Cepio Agalo*:) The other with ſome ſlight Alteration, as *C. Octavius* when adopted by *Julius Cæſar* was call'd *C. Julius Cæſar Octavianus*.

Tho' the Right and the Ceremony of *Adoption* be a Subject properly belonging to the Notice of Civil Lawyers; Yet it cannot be amiſs to give ſome little Hints about the Nature of that Cuſtom in general. Every one knows the meaning of the Word, and that to *Adopt* a Perſon was to take him in the room of a Son, and to give him a right to all Privileges which accompanied that Title. Now the Wiſdom of the *Roman* Conſtitution made this Matter a Publick Concern. When a Man had a mind to *Adopt* another into his Family, he was oblig'd to draw up his Reaſons, and to offer them to the College of the *Pontifices*, for their Ap-

(*a*) *Quinctilian* Inſtitut. lib. 1. cap. 4. *Plin.* N. H. lib. 33. cap. 1.

probation.

probation. If this was obtain'd, on the Motion of the *Pontifices*, the *Conſul*, or ſome other Prime Magiſtrate brought in a Bill at the *Comitia Curata*, to make the *Adoption* valid. The private Ceremony conſiſted in buying the Perſon to be *Adopted*, of his Parents, for ſuch a Sum of Money, formally given and taken: As *Sueton* tells us *Auguſtus* purchas'd his Grandſons *Caius* and *Lucius* of their Father *Agrippa*.

Aulus Gellius makes a Diſtinction between *Adoptio* and *Arrogatio*, as if the former belong'd only to the care of the *Prætor*, and was granted only to Perſons under Age; the latter to the Cognizance of the People, and was the free Act of Perſons grown up, and in their own power: But we learn from almoſt every Page of Hiſtory, That the *Romans* were not ſo nice in their Practice, as he is in his Obſervation.

CHAP. XIII.

Of the ROMAN *Money.*

IN enquiring into the Difference and Value of the *Roman* Coins, we may begin with the loweſt ſort, that of Braſs. The *Æs* then, or moſt Ancient Money, was firſt ſtamp'd by *Servius Tullius*, whereas formerly it was diſtinguiſh'd only by Weight, and not by any Image. The firſt Image was that of *Pecus*, or ſmall Cattel, whence it took the Name of *Pecunia*. Afterwards it had on one ſide the Beak of a Ship, on the other a *Janus*, and ſuch were the Stamps of the *As*: For as for the *Triens*, *Quadrans*, and *Sextans*, they had the Impreſſion of a Boat upon them. A long time did the *Romans* uſe this and no other Money, till after the War with *Pyrrhus*, A. U. C. 484. five Years before the firſt *Punick* War, Silver began to be coined. The Stamps upon the ſilver *Denarii* are for the moſt part Waggons, with Two or Four Beaſts in them on the one ſide, and on the Reverſe, the Head of *Rome*, with an Helmet. The *Victoriati* have the Image of Victory ſitting; the *Seſtertii* uſually *Caſtor* and *Pollux* on the one ſide, and both on the Reverſe the Image of the City: So the Cuſtom continued during the Common-Wealth. *Auguſtus* caus'd *Capricorn* to be ſet upon his Coin, and the ſucceeding Emperors ordinarily their own Effigies: Laſt of all came up Coin of Gold, which was Firſt ſtamp'd Sixty two Years after that of Silver, in the Conſulſhip of *M. Livius Salinator*, with the ſame Stamp and Images.

Images. So much for the ſeveral Kinds of Money, we may now proceed to the ſeveral Pieces under every kind.

The *As* was ſo nam'd *quaſi Æs* or Braſs, being of that Metal, and at firſt conſiſted of a Pound weight, till in the firſt *Punic* War, the People being greatly impoveriſh'd, made ſix *Aſſes* of the ſame Value out of One. In the Second *Punic* War, *Hannibal* preſſing very hardly upon them, and putting them to great Shifts, the *Aſſes* were reduced to an Ounce a piece; and in Concluſion by a Law of *Papyrius* was brought down to half an Ounce, and ſo continued. The *As* contain'd the tenth Part of the *Denarius* and was in Value of our Money about *ob. qua.* The *Semiſſis* or *Semi-æs* half as much: The *Triens* was the Third Part of the *As*, the *Quadrans* the Fourth, by ſome call'd *Triuncii* and *Teruncius*, becauſe it contain'd Three Ounces before the Value was diminiſh'd. The *Sextans* or Sixth Part was that which every Head contributed to the Funeral of *Menenius Agrippa*; but theſe were not ſufficient for uſe, and therefore there were other Pieces made, as the *Uncia* or Twelfth Part of the Pound, the *Semuncia* of the weight of Four *Drachms*, and the *Sextula* or Sixth Part of an Ounce. *Varro* ſpeaks too of the *Decuſſis* in value Ten *Aſſes*, or of a *Denarius*; the *Viceſſis* of Two *Denarii*, and ſo upwards to the *Centuſſis*, the greateſt Braſs Coin, in Value 100 *Aſſes*, 10 *Denarii*, and of our Money 6*s.* 3 *d.*

For the Silver Money the old *Denarius* was ſo nam'd becauſe it contain'd *denos æris* or *aſſes*, Ten *Aſſes*, tho' its Weight and Value was not all times alike. For the old *Roman Denarius* during the Common-Wealth, weigh'd the Seventh Part of an Ounce; and was in Value of our Money 8 *d. ob. c.* with ½*c*; But the new *Denarius* which came up in the time of *Claudius* or a little before, weigh'd exactly an *Attick Drachm*, ſo that the *Greek* Writers when they ſpeak of it, for every *Denarius* mention a *Drachm*; which of our Money was worth 7 *d. ob.* Computations are generally made with reference to this new ſort of *Denarius*; if reſpect be had to the ancienter Times, then all Reckonings are to be increas'd one ſeventh Part; for juſt ſo much the old one exceeded the new. When we meet with *Bigatus* and *Quadrigatus*, we muſt underſtand the ſame Coin as the *Denarius*, ſo call'd from the *Bigæ* and *Quadrigæ* ſtamp'd upon it. There was another Coin call'd *Victoriatus*, from the Image of Victory upon it, firſt ſtamp'd in *Rome* by an order of *Clodius*, in Value half a *Denarius*, and therefore nam'd alſo *Quinarius*, as containing the Value of Five *Aſſes*; it was worth of our Money 3 *d. ob. q.* The next that follows, and which makes ſo much Noiſe

in

in Authors is the *Seſtertius*, ſo call'd *quaſi Seſquitertius*, becauſe it contain'd Two *Aſſes* and half, being Half the *Victoriatus* and a fourth Part of the *Denarius*. 'Tis often call'd abſolutely *Nummus*, becauſe it was in moſt frequent Uſe, as alſo *Seſtertius Nummus*; it was worth of our Money 1 *d. ob. qu. q.* The *Obolus* was the ſixth Part of the *Denarius*, equal to the *Attick* ὀβολὸς, as much as 1 *d. qu.* with us. The *Libella* was the tenth Part of the *Denarius*, and equal in Value to the *As*; ſo called as a little Pound, being ſuppos'd equal to a Pound of Braſs; worth of our Money *ob. qu.* The *Sembella*, as if written *Semi-libella*, was half this. And *laſtly* the *Teruncius* was the fortieth Part of a *Denarius*, ſo nam'd becauſe it was Worth Three Ounces of Braſs; being inconſiderable in Value, and next to Nothing.

To come at laſt to the Golden Coins; thoſe moſt remarkable were the *Aurei Denarii*, ſo term'd, either becauſe they had the ſame ſtamp as the Silver *Denarii*, or becauſe in Bigneſs they much reſembled them. The old *Aureus* ſtamp'd during the Common-Wealth, weigh'd Two Silver *Denarii*; Worth of our Money 17 *s.* 1 *d. ob. qua.* The new *Aureus* ſtamp'd about the beginning of the Empire, was lighter than the Former by One Seventh Part; Weighing Two *Drachms*; Worth about 15 *s.* of our Money. Thus they continued *Didrachmi* for the Time of the firſt Five *Cæſars*; and then loſt much in their Weight by the Fraud and Avarice of the ſucceeding Princes. In *Nero*'s Time they wanted a few Grains, under *Galba* a little more, under *Nerva*, *Trajan*, and *Adrian* no fewer than Eight; under *Veſpaſian* Ten, and the like under *Antoninus Pius*, M. *Aurelius Severus*, and others. *Domitian* indeed had in his Reign reſtor'd to the *Aurei* their full Weight of Two *Drachms*, and ſo did *Aurelian* afterwards, which was the laſt Regulation of the Matter while *Rome* continu'd to be the Seat of the Empire.

The Marks of the ordinary Coins are as follow. The *As* becauſe at firſt it was a Pound-Weight, is thus Expreſs'd L. and the *Seſtertius*, becauſe it contain'd in Value Two Pounds of Braſs and a Half, thus HS. or IIS. The Mark of the *Quinarius* or *Victoriatus* was Λ. and of the *Denarius* X. or ⁝.

The Summs in uſe among the *Romans* were chiefly Three; the *Seſtertium*, the *Libra*, and the *Talent*. The *Seſtertium* contain'd a Thouſand *Seſtertii*, about 7 *l.* 16 *s.* and 3 *d.* of our Money. We don't indeed find it in any Ancient Author in the ſingular Number, as now it is us'd, but we very often meet with it in the Plural, tho' with the ſame Signification. In reckoning by *Seſterces* the *Romans* had an Art, which may be underſtood by theſe Three Rules.

Rules. The First is, If a Numeral Noun agree in Case, Gender, and Number, with *Sestertius*, then it denotes precisely so many *Sestertii*, as *decem Sestertii* just so many. The second is this, If a Numeral Noun of another Case be join'd with the Genitive Plural of *Sestertius*, it denotes so many Thousand, as *Decem Sestertiûm* signifies Ten Thousand *Sestertii*. Lastly, if the Adverb Numeral be join'd, it denotes so many Hundred Thousand, as *Decies Sestertiûm* signifies Ten Hundred Thousand *Sestertii*; or if the Numeral Adverb be put by it self, the Signification is the same, *Decies* or *Vigesies* stand for so many Hundred Thousand *Sestertii*, or as they say, so many Hundred *Sestertia*.

The *Libra* or pound, contain'd Twelve Ounces of Silver, or Ninety Six Drachms or later *Denarii*; and was worth of our Money 3 *l.*

The Third Summ was the *Talent*, which contain'd Twenty Four *Sestertia*, and Six Thousand later *Denarii*, being the same with the *Attick Talent*. For the Names of *Talent*, *Mina*, and *Drachma*, the *Romans* took from the *Greeks*, as the *Greeks* borrow'd from them the *Libra* and the *Uncia*. The *Talent* was worth of our present Money 187 *l.* 10 *s.*

We meet too with a lesser Summ, term'd the *Sportula*, being what the rich Men gave to every one of their Clients after having waited upon them in Publick, and now and then at other times as they pleas'd to appoint. It was in Value about a Hundred *quadrantes* or 18 *d. ob. qua.* Formerly instead of this Summ they us'd to deal a Doal to the Clients without the Door, who receiv'd the Victuals in a little Basket made of a kind of Broom call'd *Sportum*.

FINIS.

INDEX.

A

*A*blecti, a sort of Soldiers, 192
* *Acca Laurentia* 66
Accensi 123, 199
Accusatio 139
* *Acilius Glabrio* 12
Actionem intendere 136
Vide *edere.*
Actiones Legis 149
Actium (the Fight there) 17
Actor 135
Actuarius 123
Ad bestias 147
Ad ludos Ibid.
Ad metalla Ibid.
Addictio 137
Adoption 372
* *Adrian* (Emper.) 22
Advocati 135
Ædes sacræ 38
Ædicula 38
Ædiles 116
Ædiles Cereales 117
Ædiles Curules 117
Ædiles Plebis 116
Ædilitii 194
* *Æmylian* (Empe.) 23
* *Æmylius* 12
Æneatores 202
* *Æqui.* 7, 8
Ærarium facere 113, 110
Ære diruti 214
Æs 373
Æstimatio litis 141
Æstus 27
Agger 212
Agones 86
* *Alaric* King of the *Goths* 27
Alba (Longa) 2, 3, 4
Albo-galerus 322
Alæ 192
* *Alexander severus* (Empe.) 23
Alicata Chlamys 311
Almaigns 23
Ambire magistratum 106
Ambitus 173
Ampliatio 140
* *Amulius* 2, 3
Ἀνάβαται (a sort of Gladiators.) 278
* *Ancus Martius* 4
Ancylia 74
Andabatæ (a sort of Gladiators.) 278
Animadversio 141
Animam in primo ore, or *in primis labris tenere* 339
* *Anna Perenna* 94
Annus bissextilis 88
Anquisitio 141
* *Anthemius* (Emper.) 28
Anthony 14. vid. *Marc.*
* *Antiochus* King of *Syria* 12
* *Antonius Caracalla* (Emper.) 22
Vid. *Marcus* and *Lucius*
* *Antoninus Pius* 22
* *Antoninus* his Pillar 54
Aper 25

INDEX.

Apex 322
Aphractum 244
Apparitores 122
* *Appius Claudius* 7, 66
* *Appius* the *Decemvir* 110
Aquæ & ignis interdictio 144
Aquæducts 57
Aquila (Standard of a Legion) 194
Aquilæ præesse Ibid.
Arabia (made a Province) 21
Arbiter bibendi. 250
Arbitri 135
Arches 52
Area of the Amphitheatre 43
Arena 43
Aries (the battering Ram) 239
Armatura 215
Armenia (made a Province) 21
Armillæ 221
Armorum concussio 213
Arms of the *Romans* 194
Arrogatio 373
Aruspices vid. *Haruspices.*
As 373, &c.
Ascanius 2
Assyria (made a Province) 21
Atellanæ (sort of Plays) 288
Athens (taken by *Sylla*) 13
Atrati 312
* *Attalus* (King of *Pergamus*) 13
* *Attila* the *Hun* 27
Auctorati 273
* *Aventinus* (an *Alban* King) 32
Augurale 205
Auguries 67, 68, 69
Augurs 67, 68, 69
* *Augustulus* (Emper.) 28
* *Augustus* (Emper.) Vid. *Octavius.*
Avens (River) 32
* *virus* 28
* *Aulus Plautius* 18
Aurei denarii 367
* *Aurelian* (Emper.) 24
Auspicia 191
Auspices 67
Auspiciis suis rem gerere 197
Auxilia 189

B.

Bagnio's 56, 57
* *Balbinus* (Emper.) 23
Balista 239
Barritus 209
Basilicæ 48
Basilicus (a throw on the Dice) 250
Order of the *Roman* BATTEL 203, &c.
Beds of Images carried in Procession at Funerals 340
Feneficiarii 189
Bestiarii 147, 268
Bidental 336
Bigatus 374
Biga 257, 374
Biremis 243
Bissextus dies 88
Blood-letting, a Punishment of the *Roman* Soldiers 220
Borrowing and lending of Wives among the *Romans*, probably a mistake 333 &c.
Bridges of *Rome* 38
* *Britain* 17, 18, 22
* *Brutus* 5, 6, 15, 16
Buccinatores 208
Buccina 208
Bucula 96
Bulla aurea 310
Burning of the Dead 336
Bustum 356

INDEX.

C

Cæcilia Cæcilia Wife to *Tarquinius Priſcus* 321
Cæliolus, or *minor Cælius* 31
Cælius or *Celes* 31
Cerites 226,
Cæritum tabulæ 113, 226
CÆSAR 14, 15
Calcei lunati 324
Calcei mullei 325
Calculi 249
Caligati 326
Caligæ ibid.
Caligæ Speculatoriæ ibid.
CALIGULA 17
CAMILLUS 7, 8
Camp (form and diviſion of it) 210, *&c.*
Campagi 325
Campidoctores 215
Campus Martius 47
Campus Sceleratus 78
Candidati 106
Candidatus Principis 115
Canicula (a throw on the Dice)
Cannæ (the Battle there) 11
Cantabria (ſubdued) 17
Capitol 39
Cappadocia (made a Province) 17
Caps and Hats not ordinarily us'd by the *Romans* 300
Capite cenſi 131
Caput porcinum 201
Carceres 46
CARINUS (Emper.) 25
Carmen Saliare 74
Carmenta 66
Carnifex 120
Carthage (deſtroy'd 120
CARUS (Emper.) 25
CASSIUS 15, 16
Caſtra æſtiva 211
——— *Hiberna* ibid.
——— *Stativa* ibid.
Catapulta 240
Cataſtaſis of the Drama 287
Cataſtrophe of the Drama *ibid.*
Catilinarian Conſpiracy 14
CATTI 21
Cavea 44
Celeres 117
Celeuſtes 245
Cella of a Temple 41
Cenotaphia 360
Cenſors 112, &c.
Cenſorii 194
Cenſus 112
Cenſus (put for a rich Man) 170
Centeſimatio 213
Centumviri litibus judicandis 122, 131, 135
Centuria prærogativa 128
Centuries 130
Centuries or *Ordines* of Soldiers 186
Centurions 193
Centurionum primus 188
Cerealia 94
Ceſtus (the Exerciſe deſcrib'd) 254, 256
Chariot Races 256
Chariſtia 93
Chirodotæ 315
Chlamys 313
vid. *alicata.*
Chorus 291, &c.
CICERO 14

INDEX

CIMBRI 13
Cincture of the Gown 308
Cinctus Gabinus 308, 309
Circenſian ſhews 253
Circo's 48
Circus Maximus ibid.
Circuitio Vigilum 214
Civilis quercus 215
Civitates fœderatæ 226
Infra claſſem 131
Claſſes 130
Claſſici authores, 131, ibid.
Claſſicum 209
CLAUDIUS 18
CLAUDIUS the ſecond 24
Clavi 315, &c,
Cavum pangere 109
CLÆLIA 6, 7
CLEOPATRA 15, 17
Clients 97
Cloacæ 58
Cloſing the Eyes of departing Friends 341
Cluſium 7, 8
COCLES 6
Coemptio 329
Cœnaculum 366
Cœnatio ibid.
Cognomen 371
Cohors Prætoria 191
Cohors prima, ibid.
COLLATINUS 5
Collis Dianæ 32
——*Hortulorum* 33
——*Pincius* ibid
——*Quirinalis* 31
Collocatio 335
Colonies 232
Columna bellica 55
Columna Roſtrata 54
Columns, or Pillars 53
Comitia 128, &c.
——*Calata* 129
——*Centuriata* 130
——*Curiata* 129
——*Tributa* 126
Comitium 50
COMMODUS 22
Commons 97
Companies of Charioteers
——vid *Factio*
——the Golden 257
——the Purple *ib.*
——the Silver *ib.*
Conclamatio 343
Concuſſio armorum 203
Confarreatio 329
Conquiſitores 185
Conſecration of Temples 40
Conſecration of Emperours 363
——Of Friends *ibid.*
CONSTANTINE the GREAT 25
Conſtantinople ibid.
CONSTANTIUS 26
CONSTANTIUS CHLORUS 25
Conſulares 194
Conſuls 107, &c.
Conſules ordinarii 108
Conſules ſuffecti ibid.
CORNELIUS SCIPIO 12
Cornicines 202
Cornua (Muſick) 208
Cornua (Parts of the Army) 192
Sub Coronâ venire 232
Corona Caſtrenſis 222
——*Civica* 221
——*muralis* 222
——*navalis* ibid.
——*obſidionalis* ibid.
——*roſtrata* ibid.
——*triumphalis* ibid
——*vallaris* ibid
Coronæ aureæ ibid
Corſica (ſubdued) 10
Corvus (Engine) 233

Co-

Corybantes 81
Cothurnus 289
Cottian Alps 18
CRASSUS 14
Crepidæ 326
Cretata ambitio 308
Crimen adulterii 138
—— *ambitûs* 138
—— *falsi* 138
—— *inter sicarios* 138
—— *majestatis* 126, 138
—— *parricidii* 138, 134
—— *peculatûs* 126, 138
—— *Perduellionis* 131
—— *plagii* 138
—— *repetundarum* 126, 138
—— *veneficii* 138
—— *vis publicæ* Ibid.
Cristæ 201
Crupellarii 277
Cucullus 318
Culcitræ 368
Culeus 140
Cultrarii 86
Cuneus 205
Curetes 31, 81
Curia Hostilia 48
Curia Pompeii Ibid.
Curiæ 47, 48
Curio maximus 129
Curiones Ibid.
Custos purpuræ 311
Cybeel's Priests 81

D

Daci 21
Dacia made a Province *Ibid.*
Δακτύλους ἐξαίρειν 280
Dalmatia (subdued) 17
Damnum 143
Dapes saliares 75
Decemjugis 257
Decemviri 117
Decemviri litibus judicandis 122
Decemviri, Keepers of the *Sibylline* Oracles 79
DECII 193
Decimatio 213
DECIUS (Emper.) 23
Decuma 234
Decumani Ibid. 227
Decuriæ 129, 192
Decuriones 195
Decursio at Funerals 357
Decussis 366
Deductores 106
Defensio 139
Defuncti pro rostris laudatio. 51, 352
Dejectio è rupe Tarpeiâ 145
Delatores 142
Delubrum 28
Denarius 373, *&c.*
Denicalia 361
Depontani 132
Deportati 144
Deportatio ibid.
Designatores 306
Devoting of the Generals 198
Diadem 323
DIADUMEN (Emper.) 23
Dibaphus 319
Dictator 109, *&c.*
DIDIUS JULIAN 22
Didrachmi 367
Dies atri 90
—— *comitiales* ibid.
—— *comperendini* 91
—— *fasti* ibid.
—— *festi* 89

INDEX.

——*intercisi* ibid.
——*præliares* 91
——*profesti* 89, 90
——*postriduani* 90
——*stati* 91
Diem *dicere reo.* 141
Δίκης 243
Farreatio 329
Δίφρος ibid.
DIOCLESIAN 25
Diræ 69
Diribitores 132
Disceptatio causæ 137
Discus (the Exercise describ'd) 254
Διστάκτης 110
Divorces 332, &c.
Do, Dico, *Addico* 90
Dolabræ 238
DOMITIAN 21
Ductu suo rem gerere 197
Duumviri *Classis* 245
Duumviri, Keepers of the *Sibylline* Oracles 78
Duumviri perduellionis or *Capitales* 122
Dux Legionis 193

E.

Edere *actionem* 136
Edicta (Bills for a Show of Gladiators) 269
EGERIA 74
Ἐπιόξοροι 244
Ἑκατόντης 243
Ἐκκαιδεκάφορος ibid.
Ἔλατῆρ 253
Elatio 344
Elephants running in the Circo. 249
Emeriti 189
Ensigns 207
Entertainments 366, &c.
Epitasis of the Drama 287
Epula or *Lectisternia* 84
Epulæ 84
Epulones, or *septemviri epulonum* 84
Eques, *Equestris Ordinis*, & *Equestri loco natus*, the difference between them. 98
Equestria 44
Equi redditio 187
Equitatus justus 192
Equites 185, 186
Equitum probatio 186
Equitum recensio ibid.
Equitum transvectio ibid.
Equum adimere 113
Espousals 327
Essedarii 278
Essedum ibid.
EVANDER 66
EUDOXIA 28
Evocatio deorum tutelarium 228
Evocati 189
Euphrates (the bounds of the Empire) 22
Excubiæ 213
Exercitia ad palum 215
Exilium 144
Exire 279
Exodium 289
Exodium Atellanicum. ibid.
Extispices 69
Extraordinarii 192, 210
Ἐξωμίδες 315, 7

INDEX.

F

FAbius Maximus 11
Factio alba 256
——*prasina* ibid.
——*russata* ibid.
——*veneta* ibid.
Vid. Company of Charioteers.
Fari tria verba 90
Fasces 106
Fasciæ 320
Fascis 210
Favete linguis 84
FAUSTULUS 2, 3
Feasts in Honour of the Dead 362
Frebruaca 65
Feciales 76, 223
Femoralia 320
Feralia 93
Ferentarii 199
Feriæ conceptivæ 90
——*imperativæ* ibid.
——*stativæ* 89
Fescennine Verses 284, 232
Festivals in the *Roman* Kalendar 93, *&c.*
Filius familiæ 167
Flamen Dialis 73
——*martialis* ibid.
——*quirinalis* ibid.
Flaminica ibid.
Flamma, or *Flammeum* (the Flamens Cap) 72
Flammeum (the Brides Veil) 330
Floralia 95
Fœderatæ civitates 234
Follis (a sort of Ball) 244
Forfex (a way of drawing up an Army) 206
Form of Absolution 140
——of Ampliation *ibid.*
——of Condemnation *ibid.*
Fortunate Names 184
Forums 48, *&c.*
Forum Augusti 49
Forum Boarium 50
Fora civilia 49
Forum cupedinarium 50
Forum Holitorium ibid.
Forum Julium 49
Forum Latium ibid.
Forum Nervæ ibid.
Forum Palladium 50
Forum Pistorium 50
Forum Romanum 49
Forum Suarium 50
Forum Trajani 50
Forum transitorium 49
Fora Venalia ibid.
Fossa 212
Fratres Arvales 66
Freedom by Manumission 100
Freedom by Testament. *ibid.*
Frontis inustio 141
Frumentum æstimatum 235
——*decumanum* ibid.
——*emptum* ibid.
——*honorarium* ibid.
——*imperatum* ibid.
Funditores 199
Funeræ 344
Funerals 335
Funeral Ceremonies before the Burial. 341, *&c.*
——in the Act of Burying 344, *&c.*
——after the Burial 361, *&c.*
Funera acerba 339
Funera larvata 350
Funus indictivum 337
——*publicum* ibid.
——*tacitum* 338

——*tranſlatitium* 338
——*vulgare*, or *plebeium* 338
Furca ignominioſa 145
Furca penalis ibid.
Fuſtes 219

G.

GALBA 19
Galea 197, 201
Galericulum 322
GALERIUS (Emper) 25
Galerus 322
Galli (Prieſts of *Cybele*) 81
GALLIENUS 23
GALLUS 23
Games 248, *&c.*
Gates of *Rome* 37
Gauls ſack *Rome* 8
General 196
Cenſeric King of the *Vandals* 26
Gladiators 271
Gladiatores catervarii 275
——*fiſcales* ibid.
——*meridiani* ibid.
——*ordinarii* ibid.
——*poſtulati* ibid.
Globus (way of drawing up an Army) 206
Glycerius vid. *Liarius.*
GORDIAN 23
Gown us'd to wrap dead Bodies in 342
vid. *Toga.*
GRATIAN 27
Gregorian Style 88
Gubernator 245.

H.

Habet, or *hoc habet* (a form of Speech us'd by Gladiators after giving a Blow) 279
Habit of the *Romans* 307
HANNIBAL 11, 12
Harangues of the Generals 210
Harpaſtum 252
Haruſpices 69, 70, 71
Haſta pura 220
Haſtæ 177
Haſtati 190
HELIOGABALUS 23
Heptaclinon 368
Hepteres 243
Hercules his Chapel near the Amphitheaters and Circo's 282
Hexaclinon 368
Hexeres 243
Hippagines 243
HIRTIUS 16
Hiſtriones 288, 296
Hoc age 84
Honorary Tombs 360
HONORIUS 27
Haplomachi 277
Hoſtia 84

I

Janiculum 33
Janus imus 42
—— *Medius* ibid.
—— *Summus* ibid.
Idæi Dactyli 81
Ides 92
Jentaculum 366
Ignobiles 97
Ignominia 144
Iliset 360

INDEX.

Illyricum (ſubdued) 17
Immolatio 85
Immunes 234
Imperator vid. General.
Imperatoris Contubernales 211
In crucem actio 145
In integrum reſtitutio 137
Infrà aliquem cubare 370
Infula 85
Ingenui 99
Interceſſio 104, 116
Interrex 120
JOVIAN 26
Ipſilæ 75
Irrogatio 141
Iuba 15
Judex Quæſtionis 138
Judgments 134, *&c.*
Judices ſelecti 138
Judicia centumviralia 119
Judicium calumniæ 137, 141
Judicium falſi ibid.
Judicium prævaricationis 136
Sub *jugum mittere* 232
JUGURTHA 13
Jugurthine War *ibid.*
JULIAN 26
Julian Account 88
Jupiter Feretrius 228
Jure vocatæ (Centuries and Tribes) 132
Jus civile 149
Jus civitatis 126
Jus dicere and *judicare* (the difference between them) 112
Jus honorarium 149
Jus imaginis 99
Jus Papirianum 148
Jus trium liberorum 181
In jus reum vocare 136
In jus vocatus aut eat aut ſatisdet ibid.
Juramentum calumniæ 137
JUSTINIAN 145

K-

Kalends 92
Κατάφραξι 244
Κατασρέμματα ibid.
Kiſſing of the dead Body 339
Knights 98
Knights eſtate *ibid.*
Κριτιάλες 317

L

LABERIUS the Mimick 286
Lacerna 318
Lacernata amica 311, 312
Laciniam trahere 308
Læna 319
Laniſtæ 273
TITUS LARGIUS FLAVUS the firſt Dictator 107
LATINES 7
LATINUS 2
Latio ſententiæ 140
LATIUM 2
Latrones 249
Latrunculi 248
Laudatio (a Cuſtom at Trials) 140
LAVINIA 2
LAVINIUM ibid.
LAURENTIA ibid.
LAURENTUM ibid.
Law, *vid. Lex.*
Laws 148, *&c.*
——*de adulterio & pudicitiâ* 175

INDEX.

—*Agrarian* 163
—*de ambitu* 173
—of the assemblies and Meetings 154
—of Citizens 152
—of Constitutions Laws and Priviledges 160
—of Corn 164
—of Crimes 173, *&c.*
—of expences 166
—*Falsi* 175
—of Judges 171
—of Judgements 173
—of Magistrates 157
—*de majestate* 174
—of Martial Affairs 168
—Miscellaneous 180
——of Money, Usury, *&c.* 170
——*de parricidis* 175
——*de pecuniis repetundis* 174
——of Provinces and their Governours 161
——of Religion 150, *&c.*
——of the Senate 156
——*Inter Sicarios* 175
——*de tutelis* 169
——*de vi* 176
——of Wills, Heirs and Legacies 170
Leagues (how made) 230
Lecti tricliniorum, or *triclinares* 368
Lecticæ or *Lecti* (Funeral Beds) 342
Legati 127 196
Legati Consulares ibid.
Legati prætoris ibid.
Legatio libera 157
Leges (how they differ'd from *Plebiscita*) 134
Legions 191
Lessus 347
Levie of the Confederates 188
Levie of the Foot 183
Levie of the Horse 185
Lex Acilia 178
——*Acilia Calpurnia* 177
——*Ælia* 154
——*Æmylia* 167
——*Ampia Labiena* 161
——*Antia* 167
——*Antonia* 151, 159, 172, 174.
——*Appuleia* 174
——*Atia* 151
——*Atilia* 169
——*Attinia* 159
——*Aufidia* 177
——*Aurelia* 159, 172
——*Cæcilia* 158 179
——*Cæcilia Didia* 160
——*Cæcilia de jure Italiæ & tributis tollendis* 180
——*Celia* 155
——*Calpurnia* 178
——*Campana* 161
——*Cassia* 155, 156, 163
——*Cincia* 173
—*Claudia* 155, 156, 171, 182
—*Clodia* 151, 158 162, 163 165, 176, 188.
—*Cornelia* 150. 151. 154. 157. 158. 159. 161. 164. 167. 174. 175. 179.
——*Curia* 155
——*Didia* 166
——*Domitia* 151
——*Fabia* 177
——*Fannia* 162
——*Flaminia* 164
——*Flavia* 161
——*Furia* 170
——*Fusia* 154
——*Gabinia* 155. 156. 168. 171. 174.

Gel-

INDEX.

——*Gellia Cornelia* 154
——*Gemmia* 157, 158
——*Hieronica* 166
——*Hirtia* 158
——*Hortenſia* 160
——*Julia* 153. 162. 165. 167. 172. 174. 175. 178. 179.
——*Julia* de civitate 153
——*Julia* de maritandis ordinibus 180
——*Julia Papia* 177
——*Junia* 153, 179
——*Junia Licinia* 160
——*Junia Sacrata* 159
——*Lætoria* 169
——*Licinia* 151, 152. 163. 166
——*Licinia Æbutia* 160
——*Licinia Mutia* 153
——*Licinia* de ſodalitiis 177
——*Livia* 171
——*Livia* de ſociis 153
——*Mamillia* 165
——*Manilia* 156. 169
——*Manlia* 151
——*Marcia* 158
——*Maria* 155
——*Maria Portia* 168
——Marita 180
——*Memmia* 173
——*Muneralis* ibid.
——*Ogulnia* 150
——*Oppia* 167
——*Orchia* 166
——*Papia* 151 153
——*Papia Poppea* 181
——*Papiria* 150, 155
——*Plautia* 172, 176
——*Pompeia* 159. 172, 173. 176. 178.
——*Porcia* 152
——*Pupia* 157
——*Remmia* 173
——*Roſcia* 152
——Sacrata militaris 168
——*Scatinia* or *Scantinia* 175
——*Sempronia* 153. 155. 156. 158. 161. 164. 165, 168. 170. 171, 172.
——*Sentia* 156
——*Servilia* 153. 164. 171. 175 178
——*Sextia Licinia* 150. 158
——*Silvani & Carbonis* 153
——*Sulpitia* 154, 156. 168.
——*Sulpitia Sempronia* 150 149
——*Terentia Caſſia* 165
——*Thoria* 164.
——*Titia* 159. 163.
——*Trebonia* 163
——*Tullia* 157, 177
——de Vacatione 151
——*Valeria* 152. 159. 170
——*Valeria Horatia* 148
——*Varia* 153, 174
——*Vatinia* 162
——*Villia* annalis 157
——*Voconia* 170
LIARIUS or *GLYCERIUS* 28
Libamina prima 85
Libatio ibid.
Libella 375
Libelli (Bills for a Sword-Play) 278
Liber, cenſu, &c. 100
Liberti 99
Libertini ibid.
LIBITINA 341
Libitinarii ibid.
Libra 376
Libri elephantini 41
Liburnicæ 244
LICINIUS 25
Lictores 123

Litem intendere 136
Literæ laureatæ 223
Litus 202
Lituus 68 208
LIVIUS ANDRONICUS 284
Lorica 202
Luci 43
LUCIUS ANTONINUS 22
LUCRETIA 5
Luctus annuus 363
LUCULLUS 13
Ludi Actiaci 304
——*Apollinares* 298
——*Augustales* 300
——*Capitolini* 299
——*Cereales* 297. ibid.
—— *Circenses* 253, &c.
——*Compitalitii* 300
——*Consuales* 299
——*Decennales* 305
——*Florales* 297
——*Funebres* 305
——*Juvenales* 305 296
——*Magni* 303
——*Martiales* 298
——*Megalenses* 297
——*Miscelli* 305
——*Natalitii* ibid.
——*Palatini* 300
——Pontificales 271
——*Quinquennales* 304
——*Romani* 299
——*Sacerdotales* 271
——*Sæculares* 300, &c.
——*Scenici* 283 274, &c.
——*Triumphales* 305
——*Victoriæ* 304
——*Votivi* 303
Ludii and *Histriones* at a Funeral 346
LUPA 2
Lupercalia 64, 65
Luperci 64
Luperci Fabiani
Luperci Quinctiliani 65
Lustrum 113
Lustrum condere ibid.
Lying on Couches at the Table 359, *&c.*

M.

Magister equitum. 110, 120
Magistrates 105
—— when admitted 127
—— when design'd *ibid.*
Magistratus curules 105
Magistratus extraordinarii ibid.
——*majores* ibid.
——*minores* ibid.
——*mixti* ibid.
——*ordinarii* ibid.
——*Patricii* ibid.
——Plebeii. ibid.
—— *provinciales* ibid.
——*Urbani* ibid.
MAGNENTIUS 26
MAJORIANUS 28
Mandatores 142
Mandatum 135
Manipulus 207
MANLIUS 8, 10
Mappa 258
MARC ANTONY 16, 17
MARCUS ANTONINUS 22
MARIUS 13
Marriages 327, *&c.*
Marriage by *Use* 329
Proper time for Marriage 328

INDEX.

Matronalia 93
Μαχιμοι (Ships of War) 244
MAXENTIUS 25
MAXIMIAN. ibid.
MAXIMIN 23
MAXIMINIAN 25
MAXIMUS 28
Magaleſia 297
C. MELISSUS 279
Mercidinus, or *Mercidonius* 87
Merenda 366
Μεσοποταμια Φρουρον 316
Meſopotamia (made a Province) 21
Meta in the Circo 46
Metallici 147
Miliarium aureum 55
Milites ſubitarii 158
Mimus 285
Miſſus (the Matches in the Races) 257
Miſſus ærarius 285
MITHRIDATES King of *Pontus* 13
Mitra 322
Mittere judices in conſilium 140
Mola 85
Moneres 244
Of the Money 373, *&c.*
Mons Aventinus 32
——*Auguſtus* 31
——*Caballus*, or *Caballinus* ibid.
——*Cælius* ibid.
——*Capitolinus* 30
——*Eſquilinus*, *exquilinus*, or *excubinus* 32
——*Murcius* 32
——*Palatinus* 30
——*Querculanus*, or *quercetulanus* 31
——*Remonius* 32
——*Saturni* 30
——*Tarpeius* 30
——*Vaticanus* 33
——*Viminalis* 32
Montorius 33
Mors (Capital Puniſhment) 145
Mortuaria gloſſaria 339
Mourning 363
Mourning Habit 351
Municipia 233
Munus pronunciare, or *proponere* 278
Muſculus 238
Muſick of the Army 202
MUTIUS 6, 7
Myrmillones 276

N

Nænia 347
Of the Names 371
Natalis urbis 93, 94
Naval Affairs of the *Romans* 240, &c.
Naves apertæ 244
—— *Conſtratæ* ibid.
——*longæ* 243
——*onerariæ* ibid.
——*roſtratæ* 244
——*tectæ* ibid.
——*turritæ* ibid.
Navis of a Temple 41
Naumachiæ (the Place) 46
Naumachia (the Sport) 269, *&c.*
NEPOS 28
NERO 18
Nerva 21
Nerva's Arch 50

INDEX

Nobiles 99
Nomen 371
Nominis delatio 139
Nonæ Caprotinæ 95
Nones 92
Notarius 120
Novennialia 361
Novi 99
Novissima verba 360
Novus homo 97
Nucibus relictis 331
NUMA 4
NUMERIAN 25
NUMITOR 2, 3
Nummus 375
Nundinæ 89
Nuts strew'd at Marriage-Feasts 331

O

Oath of the Soldiers 188
Obolus 375
Ocreæ 202
OCTAVIUS or *AUGUSTUS* 16, 17
Octeres 243
Odeum 46
ODOACER 27, 28
Officers in the Army 193, *&c.*
Ὀλκάδες 243
OLYBRIUS 28
Omne tulit punctum 133
OPILIUS MACRINUS 23
Ὁπλιταγωγοὶ 243
Ὁπλομάχοι 277
Optimates 98
Optiones 194
Orchestra 44
Orcini 100
Ordines Primi 188
ORESTES 28
ORMISDAS 50
Ornari apparitoribus, Scribis, &c. 122
Ornari provinciâ 125
Ossilegium 359
Ostia (the Port) 240
OSTORIUS SCAPULA 18
OTHO 19
Ovation 222
Ovilia 128

P.

Pactum 136
Paganica (a sort of Ball) 252
Palantes 30
Palaria 215
Palatium 30
PALES 94
Palilia 95
Palla 320
Palladium 77
Palliatæ (Plays) 288
Palliatus 310
Palmyra 24
Paludamentum 107, 313
Palus Capreæ 95
Pannici terrores 209
Pannonia (subdued) 17
PANSA 16
Panthcon 39
Pantomimi 286
PAPIRIUS CURSOR 8
Paragaudæ 316
Par impar 252
Paria componere 279
Parma 197
Parricidium 94
Pater patratus 76

INDEX

Patibulum 146
Patres conscripti 102
Patricians 97
Patrons 97, 135
Pay of the Soldiers 217
Pectorale 202
Pecunia 375
Pecunia extraordinaria 234
Pecunia ordinaria ibid.
PEDIUS 16
Πεγταπώνδερ 244
Pentathlum 254
Πεντεκαιδεκάετις 245
Περιήρης ibid.
Penula 313, 318
Percussio securi 145
Περιωδόντιον 308
Perones 324
PERSEUS 12, 218, 220
Persona 290
PERTINAX 22
Pescia 285
Petasus 322
Petere 279
Phaleræ 221
PHILIP (Emper.) 23
PHILIP of Macedon 12
Philippi (the Battel there) 16
Φορέλλοι 243
Phrygians (Priests of Cybele) 81
Picts 22
Pila trigonalis 252
Pilæ (the several sorts) ibid.
Pilani 185
Pileo donari 100
Pileus 321
Pileus (the Reward of Gladiators) 281
Pilum 200
Pinarii 65, 66
Pinnirapi 277
PISO 19
Pitch'd Shirts 143
Place (which reckon'd the most Honourable at the Table) 369
Places for burning and burying the Dead 353
Planipedes 285, 276
Plebeian 97
Plebiscita 134, 145
Plutei 239
Pollicem premere 280
Pollicem vertere ibid.
Pollinctores 341
Pomærium 29, 30
Pomærium proferre 30
Pompa Circensis 297
POMPEY 13, 14, 15
De ponte dejici 132
Pontes ibid.
Pontifices 71, 72
Pontifices majores 71
Pontifices minores ibid.
Pontifex maximus 72
Pontificum cœna 75
PONTIUS PILATE 128
Popæ 86
Poplifugium 95
Populares 98
Popularia 44
PORSENNA 6, 7
Porta Capena, or *Appia* 38
——*Carmentalis* 37
——*Flaminia* ibid.
——*Flumentana* ibid.
——*Nævia* ibid.
——*Sallana* 38
——*Triumphalis* ibid.
Portico's 51
Portitores 180
Portoria ibid.
Portorium 234
Posca 212

INDEX.

Poſtulatio actionis 136
Poſtitii 65, 66
Præcingi 309
Præcipitatio de robore 145
Præcones 123
Præfecturæ 233
Præfectus alæ 195
Præfectus ærarii 121
Præfectus claſſis 245
Præfectus frumenti 121
præfectus legionis 193
præfectus Prætorio 120, 129
Præfectus vigilum ibid.
Præfectus urbis ibid.
Præficæ 346
Præluſio 279
Prænomen 371
Prætexta, vide *Toga*
Prætextatæ (Plays) 288
prator peregrinus 111
prator urbanus ibid.
Prætoris 194, 189
prætorium 211
pretors 111, *&c.*
prætors of the Provinces 127
prandium 366
Prerogative-Century 132
prerogative-Tribe *ibid.*
Prieſts 64, &c.
primopilarius 194
Primopilus 193
Princeps juventutis 260
princeps ſenatus 101
principalis conſtitutio 149
Principes 190
Principes Centurionum 193
principes ordinum ibid.
Principia 212
Probus 24
Procas 2
Proconſuls 124, *&c.*
Procuratores 135
Procuratores Cæſaris 128
Projectio in profluentem 145
prolitarii 131
proprætors 127
Proquæſtors *ibid.*
Proſcenium 43
Proſcripti 144
Proſcriptio ibid.
Protaſis (of the Drama) 287
Provinces 234
Provinces (Conſular) 127
——(Prætorian) *ibid.*
provincial Magiſtrates 24
Provocatores 277
Publius the Mimick 286, 287
PUBLIUS SCIPIO 12
Pullarius 68
Pullata turba 313
Pullatorum circulus ibid.
Pulvinaria 84
Pulvini 369
Puniſhments 143, *&c.*
Puniſhments of the Soldiers 219
PUPIENUS 23
Purpura Megalenſis 297
puteal Libonis 51
Puteal Scribonium ibid.
Puticulæ, or *Puticuli* 355
Pyra 356
Pyrrhicæ, or *Salutatio Pyrrhica* 264
PYRRHUS 9

INDEX.

Q.

Quadrans 373
Quadrigæ 257
Quadrigatus 374
Quadriremis 243
Quatuorviri viarum curandarum 122
Quæſitores 112
Quæſitores parricidii, vel rerum capitalium 122, 138
Quæſtiones 109
Quæſtor palatii 115
Quæſtor principis ibid.
Quæſtores peregrini 114
——— *Urbani* ibid.
Quæſtorii 194
Quæſtorium 211
Quæſtors 114
Quæſtors of Princes 127
125
Quinarius (Coin) 374
Lucius QUINCTIUS 7
Quincunx 203
Quindecemviri (Keepers of the Sibylline Oracles) 79
Quinquatrus, or *quinquatria* 94
Quinqueremis 243
Quinquertium 254
Quintana 205
QUINCTILIUS 24
Quiris (*dea*) 329

R.

Radius 253
Recuperatores 135
Referre ad ſenatum 103
Regions of the City 34
REGULUS 16
Relegatio 144
REMUS 2, 3
Renunciari conſul, &c: 134
Repetere 279
Repotia 332
Repudium ibid.
Repudium mittere 333
Retiarius 275
Review of the Cavalry 179
180
Reus 135
Rex ſacrorum, or *ſacrificulus* 73
RHEA SYLVIA 1, 2
Rings (taken off from Perſons juſt expir'd) 340
Robigalia 95
Robigo, or *Robigus* ibid.
Robur 145
Rogatio 130, 141
Rogus 356
Romani & Cives Romani, the difference between them 233
Rome built 3
——Sack'd by the *Gauls* 8
——ſack'd by *Genſeric* 28
——taken by *Odoacer* ibid.
——the circuit of it in the of *Valerian*.
——number of Inhabitants 34
ROMULUS 2, 3, 4
Rorarii 199
ROSCIUS the Player 296
Rudiarii 281
Rudis (the reward of Gladiators) 281

INDEX.

S.

Sabines 7
Sacellum 38
Sacramenta (put for *milites* or *militia*) 183
Sacrifices 84
Sacroſancti (the Tribunes ſo call'd) 116
Saculum 360
Sagittarii 197
Sagum 319
Salii 74
Salii Collini, or *Agonenſes* 75
Salii Palatini ibid.
Saliſubſulus 75
Saluſt's Garden 32
Salutatio imperatoris 223
Salutatores 106
Samnite Gladiators 277
Sandapilones 349
Sardinia (ſubdu'd) 10
Sarmatians 21
Satire 283, *&c.*
Saturæ hiſtoriæ ibid.
per Saturam ſententias exquirere ibid.
Saturnalia 96
Saturniane Verſes 284
Scena 43
SCIPIO 11, 15
Scorpio 240
SCOTS 22
Scribe 123
Scriptura 234
Scutum 200
Scuta imbricata. ibid.
Scuta ovata ibid.
Se ſtitiſſe 136
Sectatores 106
Securis 106
Secutor 26
Sejuges 27
Sembella 375
Semiſſis 374, ibid.
Semuncia ibid.
Senaculum 48
The Senate 101. &c.
Senatorian Age 99
Senators 98, *&c.*
Senator's Eſtate 101
Senator's Sons (their Liberty of coming into the Houſe) 105
Senatores pedarii ibid.
Senatu ejicere. 113
Senatus indictus 102
Senatus legitimus ibid.
Senatûs authoritas 104
Senatûs conſultum 103
Senatûs conſulta tacita ibid.
Senio (a throw on the Dice) 145 250
Septa or *Ovilia* 132
Septemjuges 257
Serra (way of drawing up an Army) 206
Servitus 145
SERVIUS TULLIUS 4
Seſtertium 375 376
Way of counting by Seſterces *ibid.*
Seſtertius 375
SEVERUS 22, 25, 28
SEVERIAN 28
Sextans 373
Shoes 321, *&c.*
Shows of Wild Beaſts 266
SIBYLS 80
SICAMBRI 17

INDEX.

C. SICCIUS DENTATUS 223
Sicily (subdu'd) 10
Signs of Grief at Funerals 350
Silicernia 362
Sinus of the Gown 308
Siticines 346
Soccus 289,290
Socii 184
Sodales Titii 77, &c.
Sodalitia 177
Soleæ 325 316
Soleæ pull'd off at Feasts 361
Sortitio judicum 135
Spanish Swords 194
Spolia opima 228
Στρουθοφόροι 75
Sportula 376
Sportum ibid.
Stadia 46
Stationes 213
Status of a Play 287
Stibadium 368
Stipendia 234
Stola 320
Stragula 368
Stragulatio 145
Στρεπτωτῆλες 243
Subsulæ 75
Succenturiones 194
Sudes 212
SUEVI 17
Suggrundarium 336
SULPICIUS 13
Suovetaurilia 113
Supplicatio 223
SYLLA 13

T.

Tabella votiva 246, &c.
Tabellæ 130
Tabernariæ (a sort of Plays) 288
Tablet mark'd with A. 129 136
Tablet mark'd with C. 136
Tablet mark'd with NL. *ibid.*
Tablet mark'd with UR. 129
TACITUS (Emper.) 24
Talent 376
Tali 250
Talio 143
Tarentine War 8
TARQUINIUS PRISCUS 4
TARQUIN the Proud 4, 6
Titus TATIUS 31
Templum 38
Temple of *Janus* 41
Temple of *Saturn* ibid.
Terencius 374
Τεσσαρεσκαιδεκάζων 244
Tessera 210, 213
Tesseræ, & *tesserarum ludus* 250
Tesserarius 213
Testudo 238
Τετράρης 243
Teutones 13
Thalassius 331.
Theatre 43, &c
Theatre of *Scaurus* 44
Theatre of *Pompey* ibid.
THEODORIC the *Goth* 28
Thensæ

INDEX.

Thensæ 297
THEODOSIUS 27
Thracian Gladiators 277
Tiara 323
TIBERIUS 17
Tibiæ 293, &c.
——*Dextræ* 294
——*impares* ibid.
——*Lydiæ* ibid.
——*pares* ibid.
——*Phrygiæ* ibid.
——*farranæ* ibid.
——*sinistræ* ibid.
Tibialia 320
TIGRANES 13, 14
Tirones 209
TITUS (Emper.) 20
Toga 307, &c.
——*alba* ibid.
——*candida* ibid.
——*libera* 312
——*palmata* 108 313
——*picta* 108. 313
——*Pratexta* 310
——*pulla* 312
——*pura* 312
——*purpurea* 313
——*sordida* 312
——*virilis* 311
Togatæ (sort of Plays) 288
Togatus (oppos'd to *Palliatus*) 310
Toralia 368
Torniamenta 264
Torques 221
Trabea 31
Trabea of the *Augurs* 319
Trabeatæ (sort of Plays.) 288
Tragedy 287, &c.
TRAJAN 21
Trajan's Pillar 53
Transactio 136
Τριακόντος. 244
Triarii 190
Tribu movere 113
Tribes of the City 34, 133
Tribunal 205
Tribunes (Junior) 183, 179
Tribunes (Senior) *ibid.*
Tribunes of the People 115
Tribunes of the Soldiers 183 188
Tribuni angusticlavii 195
——*comitiati* ibid.
——*ærarii* 218
——*laticlavii* 195
——*militum consulari potestate* 119
——*rufuli* 195
Tribunus, (or *Præfectus*) *celerum* 120
Tribunitiâ potestate donati 116
Tribus rusticæ 133
——*urbanæ* ibid.
Tributa 235
Triclinium 367
Triens 373
Trierarchus 245
Τριήρης 243
Tripudium 68
——*solliſtimum* ibid.
——*sonivium* ibid.
Triremis 243
Triumph 222, &c.
Triumviri A. A. Æ. F. F. 119
——*capitales* 121
——*Monetales* 122
——*nocturni* ibid.
Truncis 374
Trochus 252
TROJA, or Ludus *Trojæ* 260, &c.

Tro-

INDEX

Trophies 55
Tuba 208
Tubicines *ibid.*
Tullianum 143
TULLUS HOSTILIUS 4
Tumuli inanes, or *honorarii* 60
Tunica 314, &c.
——*anguſticlavia* 316
——*laticlavia* ibid.
——*palmata* 315
——*recta* 30
——*Tunicæ talares* 315
Turma 192
Turres mobiles 238
Turris (way of drawing up an Army) 206
Tutulus 322

Vadari reum 136
VALENTINIAN the firſt 26
——the ſecond 27
——the third *ibid.*
VALERIAN 23
VALERIUS POPLICOLA 7
Vallum 212
Varonian Satire 285
VATICANUS or *VAGITANUS* 33
Vectigales 234
VEII 7, 8
Velites 190
Venatio direptionis 267
Ventilatio 279
Venus (throw on the Dice) 250
Verbera 143
Verſura 167
Vertere arma 279
VESPASIAN 18, 20
Veſpillones 341. 345
Veſtal Virgins 77, 78
Veſtis convivalis, or *cœnatoria* 369
——*forenſis.* 307
VETURIUS MAMURIUS 27
Vexilla 221
Vexillarii 194. 189
Via Appia 58
Viator 116
Viatores 120
Viceſimatio 213
Victima 84
Victimarii 86
Victoriatus 373
Vigiliæ 212
Vigintiviratus 122
Vilis arca 342
Villa publica 47
Vincula 143
Vindicta 100
Vineæ 238
VIRGINIA 110
Viſceratio 362
VITELLIUS 19, 20
Vitis 194
Vitem poſcere ibid.
Vites 219
Vittæ 85, 320
Umbo of the Shield 195
——of the Gown 308
Uncia 374

INDEX

Volsci 7
Urbis natalis 95
Ustrina 356

W.

War (how declar'd) 223
Watch-Word 213
Ways 58

X.

XANTIPPUS

XERXES 23
Xysti 47

Y.

Of the *Roman* Year 87
88

Z.

ZENOBIA 2

MVSEVM
BRITAN
NICVM

ERRATA.

IN the Eſſays, Pag. 2. l. 32. f. *thoſe Parts* r. *that Country*, p. 8. l. 2. f. *ſhown* r. *ſhone*, p. 10. l. *ult.* f. *Thirteenth* r. *thirteen.*

Pag. 2. f. *Rlbanus* r. *Albanus*, p. 15. f. *inclin'd* r. *inclined*, p. 16. f. *perferr'd* r. *preferr'd*, p. 21. f. *Verthe* r. *Virtue*, p. 25. f. *thisr*. *his*, ibid. f. *and* r. *that*, p. 31. poſt *it* pone comma l. *penult*, p. 33. f. *Mens* r. *Mons*, ibid. *in Poets dele s.* 35. f. *Son* r. *Sun*, 42. f. *prodocet* r. *perdocet*, 48. *dele for*, 49. f. *ſtatute* r. *ſtatue*, 50. f. *Fabricus* r. *Fabricius*. 52. poſt *Italy* pone period. *in. prim*, 53. f. *ourſquare* r. *fourſquare*, 56. f. *his* r. *this*, 63. f. *Æmplior* r. *Amplior*, 64. f. *were* r. *was*, 65. f. *ther* r. *their*, 66. f. *petiri* r. *potiri*, ibid. f. *entrely* r. *entirely*, ibid. f. *fortuner* r. *fortune*, 67. f. *Brds* r. *Birds*, ibid. f. *ſtoaks* r. *ſtroaks*, 69. f. *wher* r. *whether*, 71. poſt *out* add *of*, 74. *in Nympth del. t.* 76. f. *Relgion* r. *Religion*, ibid. after *one* add *who*, 83. in *made* del. *e.* 107. f. *Croconſuls* r. *Proconſuls*, ibid. f. *Cretorian* r. *Prætorian*, 130 f. *Comita* r. *Comitia*, ibid. f. *Machanicks* r. *Mechanicks*, 159. after *Conſul* add *A.* l. 13. 177. f. *Intercepted* r. *Interpreted*, ibid. f. *Auxiliæ* r. *Auxilia*, 204. f. *Are* r. *Ære*, f. *aad* r. *and*, *after fail'd them* add *three*, 229. at the end of the *Engliſh* Verſes, put Mr. *Dryden*, 256. f. *to* r. *too*, ibid. f. *Cricenſian* r. *Circenſian*, 302. f. *thesr* r. *their*, 331. in *Husbans* add *d.* 334. f. *ſighal* r. *ſignal*, 339. f. *ſalem* r. *ſaltem*, 343. f. *watted* r. *waited*, 345. f. *bint* r. *hint*, ibid. f. *era* r. *erat*, 348. f. *ulit* r. *tulit*, 355. f. *quantus* r. *quantos*, 360. *poſt Happineſs, pone period*, 361. f. *dace* r. *date*, 373. l. 25. f. *fire* r. *Five.*

As far as pag. 174, by a general miſtake, the Letter in the Text directing to the Citation under the page, is ſet after the ſentence to which it belongs, whereas it ought to have been plac'd before it.

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